URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1997

AGENDA

PLANNING AND
DEVELOPMENT
COMMITTEE

JAN. 22, 1997 ...

URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1997



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

JAN 23 1997

GOVERNMENT DOCUMENTS

Wednesday, 1997 January 22
9:30 o'clock a.m.
Room 233, City Hall

T Agnello

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application CI-96-K, from the City of Hamilton - Property Department, owner, for a change in zoning for property located at 8-10 Brantdale Avenue, from "G-3" District to "D" District modified

   a) Submission: James T. McKeen, Paramount Hardware Inc., 562 Upper James Street, Hamilton

2. Rental Housing Protection Act Application RR-96-01, 123-125 Bold Street

3. **DELEGATIONS - 9:45 O'CLOCK A.M.**

   a) Helen Kirkpatrick, Carl Turkstra and Rick Lintack : Request for support to make Regional Roads in the Downtown Core into Two Way Streets

      i) Submission : Helene Fallen, President, Durand Neighbourhood Association

   b) John Ross and the Westdale Home Owners Association regarding the enforcement of the Building By-law with respect to Residency

   c) Alderman Don Ross and Mr. & Mrs. Mohammed re: OHRP application for 261 Cranbrook Drive

4. DIRECTOR OF PLANNING AND DEVELOPMENT

a) City Initiative 91-I, Mobile Signs - Authorization for a Public Meeting.

b) ZAC-96-05 & SAC-96-01, 177 Rymal Road East & 1684 Upper Wellington Street (previously tabled)

c) Hamilton Society of Architects - Downtown Charrette

d) Proposed 1997 - Planning Tariff Fees

5. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Sesquicentennial Banners

6. ALDERMAN KISS

a) 33 Clifford
b) 102 Ainslie
c) 1516 Main Street West
d) 60 Newton
e) 73 Holmes

7. CONSENT AGENDA

8. PRIVATE AND CONFIDENTIAL AGENDA

9. OTHER BUSINESS

10. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
14.	ZAC-96-12, 10 Herkimer st. and 9 & 11 Charlton Avenue	1996 December 4	Pending Identification of all Minor Variances	Tabled to 1997 January
15.	Resurrection of the Kirkendall/Chedoke Modified Neighbourhood Plan review Committee	1996 December 4	Alderman Request to table	Tabled

1997 January 14

1.

CITY OF HAMILTON

- RECOMMENDATION -

JAN 1 1997

DATE: 1997 January 15
CI-96-K
Southam Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning at 8 - 10 Brantdale Avenue.

RECOMMENDATION:

1. That approval be given to City Initiative CI-96-K, for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified, for property located at 8-10 Brantdale Avenue, shown on the attached map marked as APPENDIX "A", on the following basis:

   (a) That the lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District;

   (b) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

      (i) That notwithstanding Section 10.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height;

      (ii) Notwithstanding Section 10(3)(ii) of Zoning By-law No. 6593, a side yard along each side lot line of a width of at least 0.91 m (3.0 ft.) shall be provided and maintained;

      (iii) Notwithstanding Section 10(4)(i) of Zoning By-law No. 6593, each lot for a single-family dwelling shall have a minimum lot width of 9.0 m (30 ft.) and an area of at least 275 m^2 (2960 S.F.);

(iv) That the total gross floor area of all dwelling units or parts thereof on each lot shall not exceed 0.45 times the lot area;

(v) Notwithstanding Section 2.(2)J.(viiia) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

a) an attached garage;
b) a detached garage; and,
c) the floor occupied by heating, air conditioning and laundry equipment;

(vi) For the purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;

(vii) In addition to the requirements of Section 18A of Zoning By-law No. 6593, where a dwelling is constructed with an attached garage, then the finished level of the private garage floor shall be a minimum of 0.3 metres above grade;

(viii) That a visual barrier not less than 1.2 m to 2.0 m in height shall be provided and maintained along a lot line that abuts a commercial district;

(ix) That any visual barrier along any side lot line shall be setback a minimum of 2.0 m from the front lot line; and,

(x) That Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the subject lands;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-7 be notated S- ;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-7 for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

modified, for property located at 8-10 Brantdale Avenue, as shown on the attached APPENDIX "A".

The effect of the By-law is to permit one (1) semi-detached dwelling or two (2) Small Lot Single-Family Dwellings fronting onto Brantdale Avenue. The by-law also provides for the following variances as special requirements:

- to establish a maximum building height of 2 storeys and 9.0 metres, whereas the zoning by-law currently permits a maximum height of 3 storeys for buildings and 11.0 metres for structures;

- to exempt the subject lands from Section 18(2)(i) of Zoning By-law No. 6593 which permits 3 storey dwellings subject to increased side and rear yard setbacks;

- to permit a side yard along each side lot line of a width of at least .91 m (3.0 ft.) for a single-family dwelling not over two and a half storeys or 11.0 m (36.09 ft.) in height;

- to permit a minimum lot width of 9.0 m (30 ft.) and an area of at least 275.0 m^2 (2960.0 S.F.) for a single-family dwelling;

- to establish a maximum building size based on gross floor area equal to 45% of the area of the lot whereas there is no maximum floor area regulation in the "C" District;

- to define "Gross Floor Area" as being the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

    a) an attached garage;
    b) a detached garage; and,
    c) the floor occupied by heating, air conditioning and laundry equipment;

- for the purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;

- to require the finished level of a private garage floor to be a minimum of 0.3 metres above grade in the situation where a dwelling is constructed with an attached garage (i.e. prohibits recessed garages);

- to require a visual barrier not less than 1.2 m to 2.0 m in height to be provided and maintained along any lot line that abuts a commercial district; and,

- to require any visual barrier along a side lot line to be setback a minimum of 2.0 m from the front lot line;

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  This City Initiative proposes a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified, to permit one (1) semi-detached dwelling or two (2) Small Lot Single-Family Dwelling fronting onto Brantdale Avenue for property located at 8-10 Brantdale Avenue District, as shown on APPENDIX "A".

  These lands are considered surplus to the needs of the Hamilton Parking Authority.

LOT SIZE AND AREA:

- 18.47 m (60 ft.) of lot frontage on Brantdale;
- 30.48 m (100.0 ft.) of lot depth; and,
- 557.1744 m^2 (5,997.57 S.F.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Parking Lot	"G-3" (Public Parking Lots) District
Surrounding Lands		
to the north and east	Parking lot	"H" (Community Shopping and Commercial,etc.) District
to the west	Semi-Detached Dwelling	"C" (Urban Protected Residential, etc.)
to the south	Parking Lot and Commercial Retail	"G-3" (Public Parking Lots) District, modified and "H" (Community Shopping and Commercial,etc.) District

OFFICIAL PLAN:

The subject lands are designated ***Commercial- Extended "Ribbon"*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;

2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy A.2.2.1 i) and any other related policies as set out in this Subsection".

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use

of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview".

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents."

Subsection C.7.3 iii) was adopted by Council as part of the City's residential intensification strategy. It is noted that the original wording of this policy (as per OPA No. 109) was modified by OPA No. 128 to establish performance standards for single detached dwellings to prevent "monster home infilling". Planning and Development Department staff concurred with Ministry of Housing staff that "the issue of physical planning compatibility is best dealt with through the zoning by-law in terms of height, setbacks, lot coverage and other purely planning related performance standards."

The proposal implements the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no Southham Neighbourhood Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Regional Environment Department has advised:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The Transportation Department, Roads Division have the following comments

  1. The existing road allowance width of Brantdale Avenue is 15.24 m. Therefore we do not anticipate any further road allowance widenings at this time.

  2. The elevation of the required parking space should be a minimum of 0.30 m above the perpendicular elevation of the municipal sidewalk on Brantdale Avenue with the maximum grade of the driveway on private property not to exceed 7%. In reviewing the driveway locations, we recommend that the driveway to the westerly lot be constructed on the east side of the lot and that the driveway to the easterly lot be constructed on the west side of the lot to maximize motorists visibility entering Brantdale Avenue.

3. Due to the existing pavement width of Brantdale Avenue and the reduced road allowance of 15.24 m, we recommend that any privacy fences, etc. be setback a minimum of 2.0 m from the existing road allowance limits and this requirement should be incorporated in the amending zoning by-law.

4. Any other works which may occur within the Brantdale Avenue road allowance must conform to the City of Hamilton Streets By-law."

- The Building Department has advised:

"1. The parcel of land (60' x 100') has sufficient lot width and lot area for a semi-detached two family dwelling.

2. The parcel of land is insufficient to create two (2) lots for single family dwellings. The minimum requirements are 12.0 m (39.37') lot width and 360.0 m (3875.13 square feet) lot area."

- The Public Works and Traffic Department has advised:

"The proposed zoning change is satisfactory. However, the closing of a portion of this parking lot creates a circulation problem on-site. The aisle way to Brantdale is only 12 feet wide. This aisle way is too narrow to support two-way traffic. We suggest this aisle way be designated as one-way southbound and the appropriate "Do Not Enter" signs be installed at the Brantdale access."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

- the proposed "D" (Urban Protected Residential - One and Two Family Dwellings etc.) District is consistent with the established "C"- District zoning to the east and "H" - District zoning to the west which currently permits one and two family dwellings within different housing forms (i.e. a single family dwelling, semi-detached dwelling, and dwelling units within the same building as a commercial use, respectively);

- the proposed lot area (275 m^2 or 2960 S.F.) and width (9.0 m or 30 ft) are similar to established lots sizes along the north side of Brantdale Avenue, West Second Street and Queendale Avenue West; and,

- it represents infill within housing within an established mixed use area.

3. The Building Department has reviewed the application and has advised that the proposal would require the following variances:

   - to permit a side yard along each side lot line of a width of at least .91 m (3.0 ft.) for a single-family dwelling not over two storeys and 9.0 m in height; and,

   - to permit a minimum lot width of 9.0 m (30 ft.) and an area of at least 275 m^2 (2960 S.F.) for a single-family dwelling.

   These variances are considered minor in nature and are in keeping with the requirements for infill housing on "lots of record" with the City.

4. In accordance with Subsection C.7.3 of the Official Plan, it is appropriate that the following modifications should be made to the "D" (Urban Protected Residential - One and Two Family Dwelling, etc.) District for the subject lands:

   - the maximum building height should be restricted to two storeys and 9.0 metres in height;

   - to require that the total gross floor area of all dwellings units or parts thereof on each lot shall not exceed 45% of the lot area;

   - to establish a definition of "Gross Floor Area" as being the total of all the areas of the building or structure, including the basement or cellar, but not including an attached garage, a detached garage and the floor occupied by heating, air conditioning and laundry equipment;

   - to regulate "void areas", the by-law should require that for any room within the dwelling where the floor to ceiling height exceeds 4.6 metres (the equivalent of 2 floors), then the gross floor area for that portion of the dwelling will be doubled.

5. The Transportation Department, Roads Division has reviewed the application and have recommended that the implementing zoning by-law for the subject lands should require that:

   - the finished level of a private garage floor to be a minimum of 0.3 metres above grade a dwelling is constructed with an attached garage, and;

   - any visual barrier along a side lot line to be setback a minimum of 2.0 m from the front lot line to ensure maximum motorist visibility entering Brantdale Avenue.

   In addition to the above-mentioned variances and special requirements, it would be appropriate to require a visual barrier not less than 1.2 m to 2.0 m in height to provided and maintained along the lot lines that abut a commercial district, thus mitigating any potential negative spill-over effects (i.e. headlight glare) from the adjacent parking lot and access driveway.

CONCLUSION:

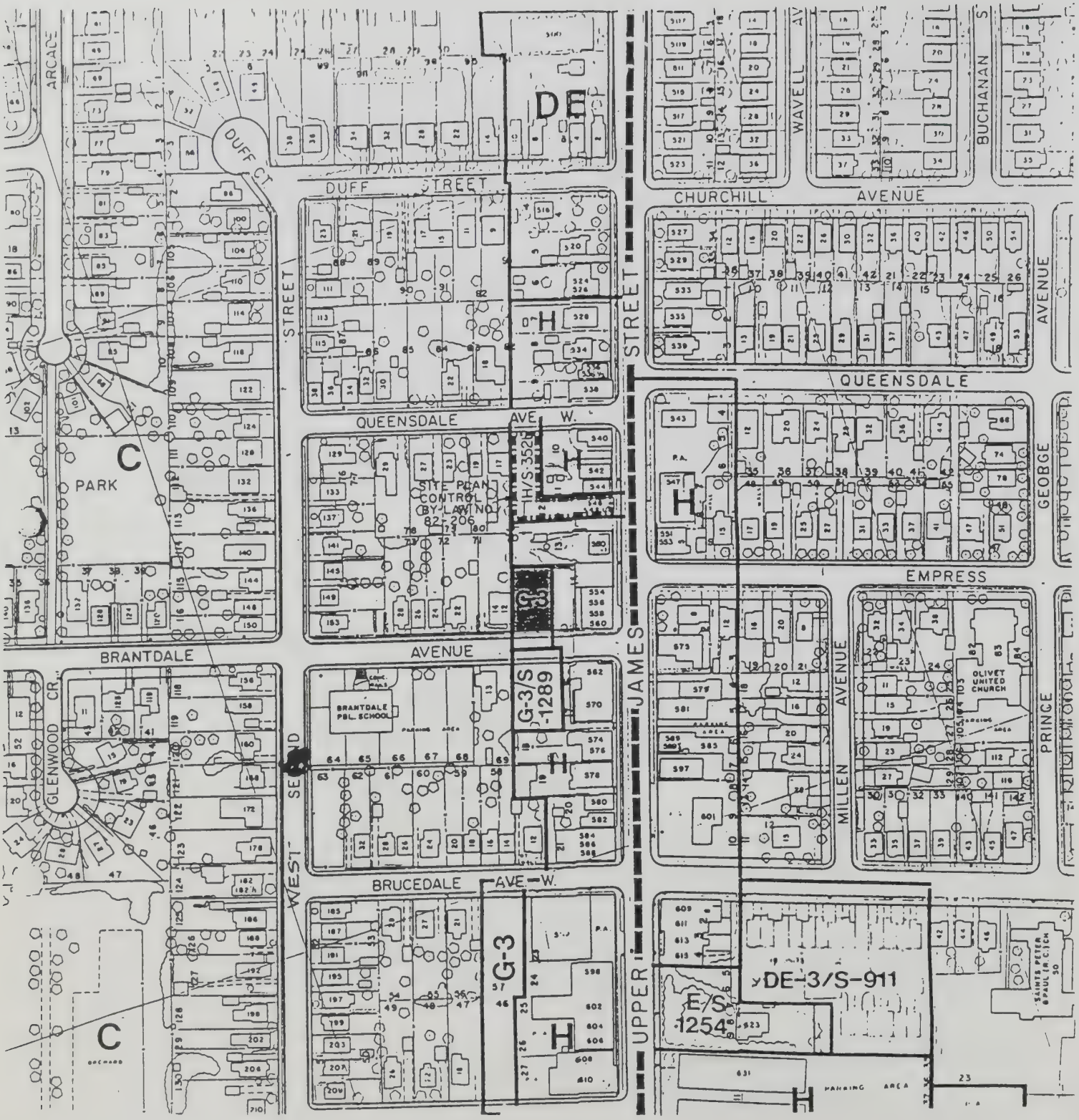
Based on the foregoing, the application can be supported.

JL:SR/jl
WPCI-96-K

cc Len King
Building Commissioner

Patrice Noe-Johnson
City Solicitor

Dan Vyce
Director of Property



Legend

Site of the Application

Cl-96-K

From: "G-3" (Public Parking Lots) District

To: "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District - modified

APPENDIX A

PARAMOUNT HARDWARE INC.
562 UPPER JAMES ST. 383-4451
HAMILTON, ONT L9C 2Y6
R10 40 60366

1a)

JAN 08 1997

Jan 3 - 1997

Corp. of the City of Hamilton,
71 Main Street West,
Hamilton Ont
L8N 3T4.

Dear Sir.

Further to the card enclosed re. - #8 #10 Brandale Ave. change from G3 to D district.

Presently we pay rent to Peter Exposto of Apex Fabrics for their parking lot. If this business was sold or changed and we did not have their lot behind us and the city lot across the street was not there, we would have no parking areas at all. The Upper James Street Merchants fought a long hard battle to get a parking lot in that location and I would hate to see it go.

Yours Truly
James T. McKeon

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1997 January 14 1A.

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 January 15
(RR-96-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P, R.P.P.
Director of Local Planning

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application RR-96-001 -
123 - 125 Bold Street, Durand Neighbourhood

RECOMMENDATIONS:

(a) That approval be given to Application RR-96-001, under the Rental Housing Protection Act, Bold Street Holdings Ltd., owner, for renovations to the buildings at 123 - 125 Bold Street, Hamilton, containing 111 rental apartment units, as shown on Appendix "A", subject to the following condition:

(i) That the owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted condition, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

V. Abraham

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

Bold Street Holdings Ltd.

Existing Buildings

The property, as indicated on the attached key map, includes two apartment buildings, each four storey walk ups, with a total of 111 rental apartment units:

123 Bold Street contains 61 rental residential units, one office unit and one unit for storage; and,
125 Bold Street consists of 50 rental residential units.

The 111 rental apartment units include:

32 one bedroom units;
24 junior one bedroom units;
19 large bachelor units;
33 bachelor units; and,
5 rooms.

The buildings were constructed in approximately 1920, and are listed on the Inventory of Buildings of Architectural and/or Historical Interest. Heritage Planning staff have no comment on the application. The exterior of the buildings appear to have been reasonably well maintained.

When the application was submitted in October, 1996, 84 of the rental units were occupied, and 27 were vacant. The vacant units were mainly one bedroom and bachelor units. As of the most recent information provided by the applicant in early December, 86 of the units were occupied, and 25 were vacant.

The Building Department, in their comments dated December 3, 1996, noted that variances from the Committee of Adjustment may be required. These variances may be needed for such matters as gross floor area and landscaped area. The applicant has submitted building permit applications in order that any required variances may be identified.

Nature of the Renovations

This application under the Ontario Rental Housing Protection Act (RHPA) for renovation of the property at 123 - 125 Bold Street in Hamilton was submitted to the City on October 15, 1996.

The proposal is to renovate the buildings by adding an elevator between them, as shown on the north elevation attached as Appendix "B". The proposed work involves:

- addition of an elevator providing access to all 4 floors;

- provision of a lounge / sitting room, and a hospitality suite; and,
- relocation of the office to a more visible location, closer to the entrance.

About eight of the units are to be reduced slightly in size, from one bedroom and large bachelor units, to bachelor units, in order to accommodate the placement of the elevator. In addition, the closet space is to be revised in a number of units, for the same reason. A total of 16 units will be affected during the renovations. All but one of the affected units are already vacant.

Two rental residential units are to be permanently eliminated. Unit 2 at 123 Bold St. is to be converted to a hospitality suite. It is presently vacant. Unit 1 at 123 Bold, is intended to be converted to a lounge / sitting room at a future date. Impact on tenants is outlined later in this report.

The rents for these units will be increased or decreased slightly after the renovations, depending on the changes. For units which are being reduced in size, rents are expected to drop accordingly. The exact rents after the renovations are not known at present, but will be subject to the Rent Review process, and dependent on the actual costs of the renovations.

Rent Details

Current rents at 123 - 125 Bold Street range from $ 200 to $ 419, and are well within the affordable range. The following were the rents charged for the 84 units occupied at the time of the application in October, 1996.

Rents by Unit Type

Unit Type	Actual Rent Range
One Bedroom	$337 - $419
Junior One Bedroom	$306 - $382
Large Bachelor	$275 - $365
Bachelor	$240 - $271
Room	$200

Rents are being discounted below the maximum allowable rents for 1996, by as much as about 25% for some units.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 123 - 125 Bold Street are subject to

the Act since the applicant intends to make significant renovations to the property, during which several of the units must be vacated. In addition, 2 of the rental units will be removed from the rental supply.

The Act notes that Council of a municipality shall not approve an RHPA application unless Council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criterion i) is not applicable, since the renovations proposed do not appear to be those associated with buildings which are structurally unsound.

Criterion ii) is irrelevant to this application. The application will not be able to provide the same number of rental units following renovation. The Province notes that it may be possible "for the applicant to meet the spirit of this criterion, possibly by relocating current tenants to similar units within the property."

The third criterion is relevant. Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of 2, and renovation of 12, apparently affordable rental units does not constitute an adverse effect on the supply of affordable rental housing" in Hamilton.

Should Council decide to approve the application, the Province also notes that it "may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province notes "suitable conditions in this situation might include:

- relocation of displaced tenants to units of similar rent, size, and quality within the building or to similar units in other rental properties.
- payment of reasonable moving costs for any tenants displaced by the renovations.
- timing and arrangement of renovations in such a way as to minimize disruption to tenants remaining in the properties.

Council may also impose any other condition it considers reasonable."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of 2, and renovation of 12,

affordable rental units does not constitute an adverse effect on the supply of affordable rental housing in the City. In June of 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion. Although the subject application is for renovation rather than condominium conversion, the criteria are applicable in this case, since they provide a useful basis for evaluating the impact of removing these 2 units from the rental supply.

The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: essential criteria, and criteria for which conditions may be instituted. The essential criteria include vacancy rates for the City, zone and unit type, impact on vacancy rates, and the affordability of rents. Criteria for which conditions may be instituted include the availability of alternative accommodation.

Data from the annual Canada Mortgage and Housing Corporation (hereafter referred to as CMHC) Rental Market Report is used to evaluate these criteria. The subject property is located within CMHC Zone 1 - "Downtown Core".

Essential Criteria

Vacancy Rates

The vacancy rates as of the October, 1996 CMHC data, are shown in the table below, for the City and Downtown Core, for relevant unit types, namely one bedroom and bachelor units.

Vacancy Rates - Apartments Units With 6+ Units
October, 1996

	Total Hamilton	Downtown Core Zone
One Bedroom Units	2.5 %	1.5 %
Bachelor Units	4.1 %	1.9 %
Total - 6+ Units	2.4 %	1.4 %

The vacancy rates for the City are over 2 %, and for the Downtown Core are under 2 %. A vacancy rate of between 2.0 and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

The vacancy rates for the City of over 2 % in all the above cases are adequate. The vacancy rates below 2 % within the Downtown Core might cause concern if the proposal involved the removal of many units from the rental supply. However, since only two units are to be eliminated, the impact is very minimal.

Supply of Rental Units

Regarding the supply of affordable rental housing, there is a large supply of units in the overall market. As of October, 1996, there were 30,815 units in apartments with 6 or more units in the City, and 10,505 such units in the Downtown Core. The loss of 2 units on this overall supply is negligible, especially when there are many vacant units within the subject property itself. The actual impact would be a 0.007 % decrease in rental units in the City, and 0.02 % decrease in the Downtown Core, for apartments with 6 or more units.

Rent Levels

The subject units are affordable compared to the overall market. The table below compares rents in the subject property to average rents in the City and Zone, for apartments with 6 or more units.

Average Rent Levels
October, 1996

	Total Hamilton	Downtown Core Zone	Subject Property
One Bedroom Units	$ 484	$ 484	$306 - $419
Bachelor Units	$ 392	$ 388	$240 - $365

As shown in the above table, the apartment rents in the subject property are somewhat lower than the average rents for Hamilton as a whole and in the Downtown Hamilton Zone. There is a wide range of rents in each unit type in the subject property, and there is no concern that the most affordable rents of these types are being removed from the supply.

Criteria for Which Conditions May be Instituted

The only applicable criteria for which conditions may be instituted is the availability of alternative accommodation. Other units in the same building are considered most similar and suitable as an alternative. There is a large number of vacant units in the building (25 out of 111). It is therefore very likely that tenants of the 2 units to be eliminated can find suitable alternative units within the building. Only one of these units is still occupied. While this does not involve the creation of new replacement units, it does result in similar housing for tenants.

Summary

In summary, this application for renovation meets most of the relevant evaluation criteria, since vacancy rates at the City level are over 2 %. Although vacancy rates in the Downtown Core are below 2 % for one bedroom and bachelor units, there are 25 vacant similar units in the subject property, and only two units are to be eliminated by the proposed renovations, which represents a 0.007 % decrease in the City rental supply.

IMPACT ON EXISTING TENANTS:

A tenant information meeting was not held for this application, since the main purpose was addition of the elevator and renovations to common areas as outlined. Instead, an information package was mailed from the City to all tenants on January 2, 1997, providing them with full details concerning the renovations. This included a fact sheet and plans. Also, the required newspaper ad was placed for the public meeting at the Planning and Development Committee.

To date, none of the tenants have expressed any concerns about the proposed renovations, or the resulting loss of 2 units. The property manager has stated that most tenants are very happy with the buildings and proposed renovations. The renovations will improve the building in various ways, including added convenience for tenants. The property managers have told tenants that they will not be forced to leave their units due to the proposal.

The proposed renovations are anticipated to have minimal impact on existing tenants, for the following reasons:

- 16 of the 111 rental residential units are affected by the renovations;
- Of these 16 units, all but one are presently vacant;
- Two rental residential units are to be permanently eliminated. One is to be converted to a hospitality suite, is presently vacant, and the tenant moved to another unit in the same building. The other such unit is to be converted to a lounge in future. It is presently occupied, and the tenant will be permitted to stay for now;
- There are many vacant units within the building for tenants of affected units to move into;
- According to the agent, no tenants are to be evicted or forced to leave in order to carry out the renovations; and,
- Rents may go up or down slightly, for units increased or decreased in size, but any rent changes would be subject to Rent Review legislation.

COMMENTS:

The application can be supported for the following reasons:

- The removal of 2 rental units at 123 - 125 Bold Street would not cause an adverse impact on the supply of affordable rental housing, or on the rental vacancy rates for the City or the Downtown Core Zone, most of which are over or near 2 %;
- Only 2 of the 111 rental residential units are to be eliminated from the rental supply, and a total of 16 units are affected by the renovations;
- The result of the proposal would be a 0.007 % decrease in rental units in the City, and a 0.02 % decrease in the Downtown Core, for apartments with 6 or more units. and,
- Impacts on the tenants are minimal, since all but one of the affected units are presently vacant, and tenants have moved to other units within the buildings.

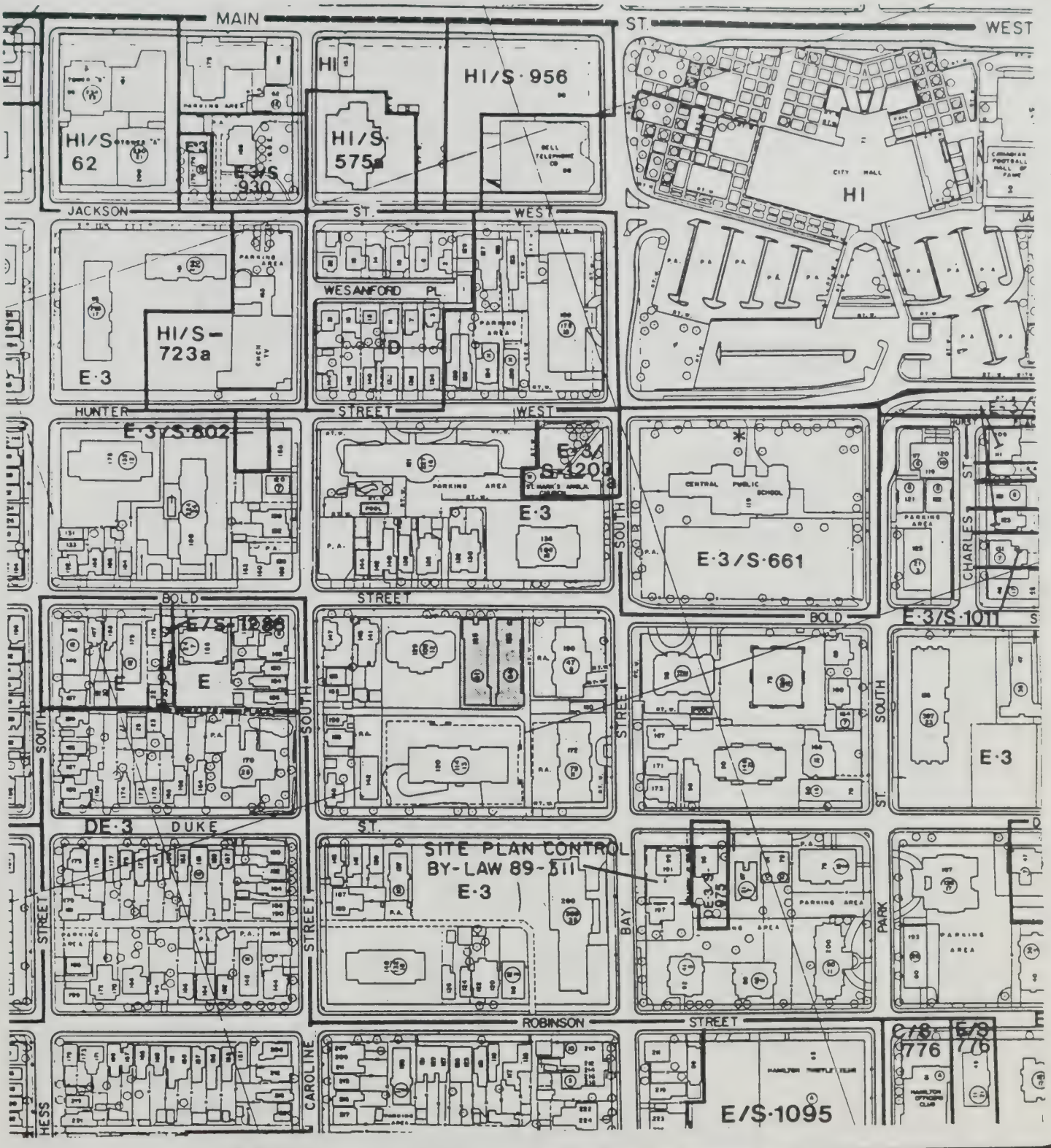
The only condition to be applied to this approval is that any outstanding taxes owing to the City be paid before the Certificate of Approval is issued. The applicant has stated that as of November 8, 1996, there were no outstanding taxes. After this condition is satisfied, the

Certificate of Approval can be executed by the City Clerk, in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on a review of the proposal and the rental housing market, the proposed renovations to the 2 rental buildings at 123 - 125 Bold Street, affecting 16 units, including the elimination of 2 units, will not cause an adverse impact on the supply of affordable rental housing in Hamilton or in the Downtown Core Zone. Rental vacancy rates are at competitive levels and have been for the past several years, and there are a large number of similarly priced vacant units available, within the subject property and elsewhere in the Downtown.

vg
RR96001.REP



City of Hamilton

Key Map

Rental Housing Protection Act

123-125 Bold Street

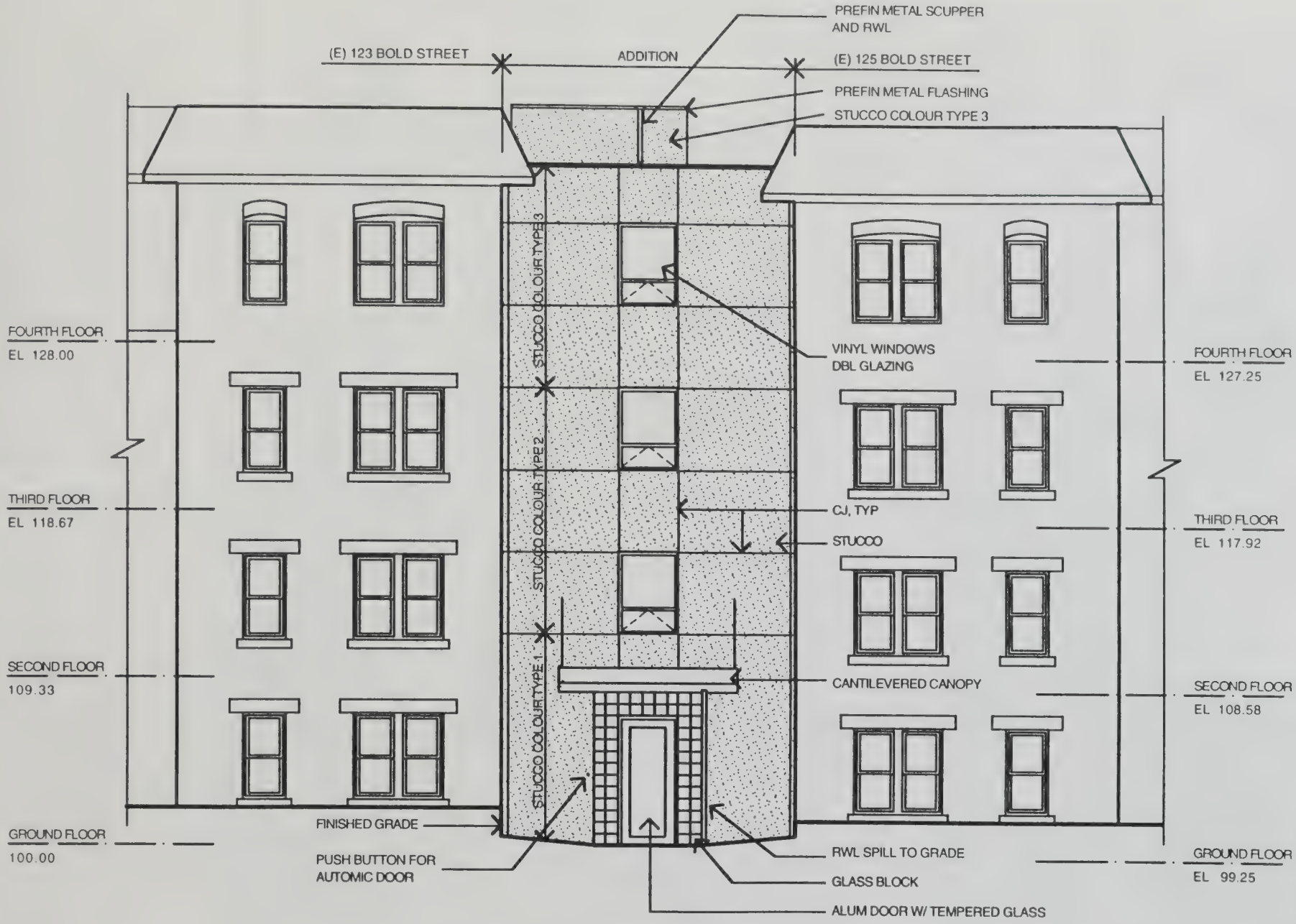
Planning and Development Department

Legend

Appendix "A"

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	RR-96-001
	Date	Drawn By
	November 1996	R.L.



PART NORTH ELEVATION

1/8" = 1' - 0"

Appendix "B"

MACALLUM SATHER ARCHITECTS

3a)

To: Transportation and Environment Committee
and
Planning and Development Committee
City of Hamilton

From: Hamilton Downtown Two Way Streets Group

Subject: IMPROVING OUR DOWNTOWN

November 14, 1996.

We wish to appear before each committee at its meeting on December 2 and 4 to present this brief.

Our group came together as a result of the charette held by the Hamilton Society of Architects last June. Many ideas emerged from the charette, but we decided to put our energy into improving the downtown through the re-introduction of several two-way streets. We do not claim to represent anyone other than ourselves - although we believe the recommendations we are making are supported by a great many people.

* * * * * * * * * * * *

Virtually everyone agrees Hamilton's downtown needs change if it is again to become attractive to a wide range of Hamiltonians. Currently there are too many vacant lots, too many empty stores, too few reasons for going downtown. There are undoubtedly a whole range of changes which could and should be made to revitalize the downtown. Some changes have a large costs attached; some rely on changing attitudes over the long term; some ask for significant government investment.

We believe that one change can be made quickly, with a minimum of cost, with a minium of disruption, and that its effect can be gauged within a relatively short period of time. A change with these characteristics is one that deserves priority consideration by those who want to improve the downtown.

We propose to change several streets from one way traffic flow to two way traffic flow. The streets which should become two way are:

King Street, between Victoria and Queen
James Street, between the Escarpment and the Harbour
John Street, between the Escarpment and the Harbour.

We originally thought that James Street should be the only north/south street made two way, but then realized that pairing John and James as two-way will immensely improve traffic circulation as it tries to connect with the Escarpment.

There should be no parking on these two-way streets during rush hours, but parking should be permitted the rest of the time, possibly by metered parking which will produce revenue for the city.

This modest proposal is not problem-free (as noted below), but it will result in a number of changes which will improve the downtown. Some of those positive changes are:

1. Traffic on these two way streets will slow down, since at most there are two lanes of traffic, and in non-rush hour periods just one lane of moving traffic with curb-side parking. Slower moving traffic is much more pleasant for downtown pedestrians (and for many drivers) than traffic which clips along relatively quickly.

2. Since traffic is moving more slowly, those in passing cars will be better able to see store fronts and interesting sidewalk activity which might entice them to stop and join in, thus enhancing downtown activity.

3. Two way streets will feel more normal - the downtowns in most cities are laced with two way streets - and less like freeways where the object is to move through the area as quickly as possible. It will be easier for a pedestrian to cross the street, thus ensuring that the commercial activities on each side of the street are supportive and complementary, rather than divided by a stream of traffic.

4. The downtown will be much more legible for tourists not familiar with the city. There is nothing more alienating for a tourist than trying to find a destination through a maze of one-way streets. If the city's main streets are two way, and if traffic moves more slowly on those streets, then the downtown will be much more attractive to tourists.

Those are some of the benefits of the two way streets we have proposed. We can anticipate several objections to this proposal:

a) Traffic on the two way streets will move more slowly.

We agree this will happen - in fact it is one of the objectives of the change. Drivers who wish to move more quickly have a number of alternative routes that they can

take, routes that will not be adversely affected by the small percentage of total traffic that will be diverted from the streets being made two way to those which remain one way.

It must be remembered that when the one way street system was implemented almost forty years ago, there were few alternatives for drivers who wanted to pass through the downtown without stopping. In the intervening decades, many high speed roadways have been built so that drivers wishing to avoid the downtown can do so easily.

b) Traffic on the two way streets will be congested.

While traffic on the two way streets will move more slowly - we suspect crowdedness and slow movement will attract drivers and pedestrians to these streets, since many people want to be where the action is - two way streets can help resolve the congestion that is caused by cars not wanting to be where they are. For example, two way streets will mean people do not have to `drive around the block' to reach a destination. Thus, access to the GO Station will be much easier for buses, which now must use a convoluted route to get to the station. And, as already pointed out, existing congestion on James and John leading to the Escarpment will be resolved. In short, two way streets will help resolve unnecessary congestion.

We agree two way streets will attract more vehicular and pedestrian traffic, but it is not traffic which wishes it were somewhere else, which is the real objection to congestion.

The two way street proposal will not resolve the existing problems on the south side of the Gore, where buses seem to create more problems than they solve. The south side of the Gore should be carefully studied to see how to improve pedestrian life and traffic flow.

The two way traffic flow proposed can be implemented fairly easily. Some one way traffic signs and turn restrictions must be taken down, some traffic signals modified, and appropriate changes must be made where King changes from one to two way. We believe these changes can be made by city staff at a modest cost that can be found within the existing city budget.

We propose that these proposals be implemented for a two year trial period, and that city staff monitor the changes from the perspective not only of vehicular traffic, but also of pedestrian activity, and the liveliness of the downtown. Streets serve a number of different purposes - the locale for enterprise and

entrepreneurs, a place to meet people and be social, accommodate vehicular traffic flow, provide a pleasant pedestrian environment. Change to all of these different functions should be monitored so some reasonable assessment can be made to help ensure that we are moving toward a better and more vibrant downtown for Hamilton.

Recommendations:

1. The following streets should revert to two way traffic flow:

King Street, between Victoria and Queen
James Street, between the Escarpment and the Harbour
John Street, between the Escarpment and the Harbour.

2. Parking should be permitted on these streets during non-rush hour periods, perhaps through metered parking.

3. The south side of the Gore should be carefully studied by city staff to see how to improve pedestrian life and traffic flow.

4. These changes should be made for a two year trial period, beginning March 1, 1997. Staff should be requested to monitor changes to the various functions on these streets to assess the effectiveness of these changes to improving Hamilton's downtown.

We have attached a few letters of support.

Submitted by: The Hamilton Downtown Two Way Streets Group, whose members are:

Helen Kirkpatrick 192 Bay Street North, L8R, 2P9.
Tel. 526 7086.
Carl Turkstra, 50 Markland Street, L8P 2J7
Tel. 525 8714.
Howard Mark, 71 Claremont Drive, L9C 3N3
Tel. 388 2958.
Mary Pocius, Tel. 522 1778.
Rick Lintack, 244 James Street South, L8P 3B3
Tel. 522 6165.

The contact for the group is Helen Kirkpatrick.

Hamilton Society of Architects

November 12, 1996

Planning and Development Committee
The Corporation of the City of Hamilton
71 Main Street West
Hamilton, ON L8N 3T4

ATTENTION: Mr. Don Drury
Chair of Planning and Development Committee

Dear Sir:

RE: The Hamilton Two-Way Streets Group Report
'IMPROVING OUR DOWNTOWN'

As you are aware, the Hamilton Downtown Ideas Charrette *'Final Report'* was presented to City Council this past October 1996 by the Hamilton Society of Architects.

Although many issues affecting the present core were discussed and many recommendations outlined, the one constant strategy echoed by all five charrette teams was the reinstatement of some two-way traffic within the Downtown.

The *'Two-Way Streets Group'* was formed immediately after the June 1996 Charrette to further study this issue and they will be appearing before your Committee to present their report.

This report proposes that their recommendations *'be implemented for a two-year trial period'* to properly monitor vehicular and pedestrian impact.

This time frame would parallel the three-year period established for new Downtown *'development'* initiatives recently undertaken by City Planning.

Yes, there will be some negative reactions by those individuals who use core *'expressways'* as a means of getting through and out of the Downtown, but the health of this area's pedestrian environment is critical.

It is vital that visible, positive action is incorporated to rejuvenate real pedestrian activity within our City Centre.

We are confident your Committee will review and implement the recommendations outlined in the *'Two-way Streets Group Report'*. The Hamilton Society of Architects supports this report and commends the citizens of that group for their continued community involvement and commitment.

Yours very truly,

HAMILTON SOCIETY OF ARCHITECTS

Per: Daniel A. Duffie
Chair 1996-1997

DAD/ad
Encl.

HAMILTON-
HALTON
HOME
BUILDERS'
ASSOCIATION

A member of the Canadian Home Builders' Association

1112 Rymal Rd. E., Hamilton, Ontario L8W 3N7
Telephone 575-3344 Fax 574-3411

November 13, 1996

Mr. Carl Turkstra
Turkstra Lumber Company Ltd.
1050 Upper Wellington Street
Hamilton, Ontario
L9A 3S6

Dear Mr. Turkstra:

This letter is a follow up to discussions we have had over the past month and a half with respect to downtown Hamilton and the feasibility or need of an improved indeed different traffic pattern for our core area, namely King Street and James Street.

I am pleased to inform you that after review of the documentation you were kind enough to forward to me and my then taking it to our Board of Directors as well as our Downtown Development Task Force, please be advised that both entities unanimously support your position.

On behalf of our President Mr. Jose Geada, please feel free to reproduce this correspondence as the Hamilton-Halton Home Builders' Association's position vis a vis traffic solutions for the Downtown Core and further accept our thanks for all your efforts on this matter as a concerned business entrepreneur and more importantly a citizen of the City of Hamilton.

Sincerely,

HAMILTON-HALTON HOME BUILDERS' ASSOCIATION

Dan F. Condon

Dan F. Condon
Executive Director

c.c. Jose Geada

3a)i)

DURAND
NEIGHBOURHOOD
ASSOCIATION
INC
c/o
104 ABERDEEN AVENUE
HAMILTON, ONTARIO
L8P 2N8

December 2, 1996

To: **Planning and Development Committee**

From: **Durand Neighbourhood Association**

Re: **Downtown Revitalization**

The Durand Neighbourhood Association supports in principle the concept of two-way streets in the downtown area as part of a prescription for the rebirth of our downtown's vitality.

We have already been given very strong presentations for King, James, and John Streets being among the first for two-way usage and that approach seems quite sensible to our Executive.

We anticipate that , when all ideas are presented, committees struck, and decisions made, we will see a revitalization unrivaled by other cities.

Yours truly,

Helene Fallen

Helene Fallen, President

3c)

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO:	Mark Mascarenhas Building Department	YOUR FILE:	
FROM:	Tina Agnello, Secretary Planning and Development Committee City Clerk's Department	OUR FILE: PHONE:	(905) 546-2729
SUBJECT:	Delegation to 1997 January 22 meeting of the Planning and Development Committee as Requested by Alderman D. Ross	DATE:	1997 January 2

Attached hereto please find correspondence from Alderman Ross requesting that Mr. and Mrs. Mohammed appear before the Planning and Development Committee meeting regarding an OHRP application for 261 Cranbrook Drive.

As you may note, Alderman Ross would like some outstanding questions answered prior to the meeting which would be best answered by your department.

I will confirm with both yourself and Alderman Ross as to the exact time and date of the delegation when it is confirmed at the Planning and Development Agenda Review meeting on 1997 January 16.

TA

.cc Alderman D. Drury, Chairperson, Planning and Development Committee
Alderman D. Ross

file

CITY COUNCIL
HAMILTON, CANADA

Alderman Don Ross
Chairman - Economic Development & Planning
Vice-Chairman - Finance & Administration

71 MAIN STREET WEST L8N 3T4 • (905) 546-2730 • RES (905) 387-1842 - Ward 8

December 19, 1996. DEC 2 3 1996

TO: Tina Agnello,
Secretary,
Planning and Development Committee.

FROM: Don Ross,
Alderman, Ward 8.

SUBJECT: **PLANNING AND DEVELOPMENT COMMITTEE MEETING.**

Please find enclosed a copy of a self-explanatory letter which I received from Mr. & Mrs. Mohammed and their son, relating to their appearance at the Planning and Development Committee, as I discussed with you on December 3rd.

As you will note in their letter, they asked for a couple of things, and I would ask if you could please endeavour to find out that information in order that I can advise them prior to the Committee Meeting? Could you also advise me of the date and time of their appearance, in order that I can get in touch with them for that purpose?

Thanks.

Don Ross,
Alderman, Ward 8.

DR:dd

Encl. C. C — Mr. & Mrs. Saied Mohammed, 261 Cranbrook Drive, Hamilton, Ontario. L9C 4T2.

DEC 18 19[illegible]

Master Bari Mohammed
c/o Naseem & Saied Mohammed
261 Cranbrook Drive
HAMILTON, ON
L9C 4T2

Alderman Don Ross:
The Corporation of The City of Hamilton,
City Hall
71 Main Street West
HAMILTON, ON
L8N 3T4

December 13, 1996

Dear Alderman Ross:

Thank you for seeing us on Nov, 29 1996. We appreciate you taking the time to discuss the whereabout of the returned Government approved funds

The next step we discussed is to:

1. Meet with your fellow Aldermen to present our dilemna.

We hope that these representatives of the city will prove to be considerate and humane unlike the City's personnel we have dealt with in the past.

In addition you agreed to :

2. Find out exactly when this "hold back" amount of $2,875.00 was removed from the trust account of the City Hall.

3. Also to which office/department of the Province has this sum gone to.

Enclosed are two reference letters from the office of City Hall.

We anticipate hearing from you as soon as possible. My family and myself would like to take this opportunity to wish you and yours a Merry Christmas and a Prosperous New Year.

Yours Sincerely,

B. Mohammed

Bari Mohammed

Mohammed
Saied Mohammed (father)

N Mohammed
Naseem Mohammed (mother)

THE CORPORATION OF THE CITY OF HAMILTON
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

BUILDING DEPARTMENT
Loans Division

General Inquiries: (416) 546-4540
Fax: (416) 546-4554

1992 July 9

OHRP-D 143

Mr. & Mrs. S. Mohammed
261 Cranbrook Drive
Hamilton, Ontario
L9C 4T2

Dear Mr. & Mrs. Mohammed:

Re: **Ontario Home Renewal Programme - Disabled**
261 Cranbrook Drive, Hamilton

As per your request, the Building Department, Loans Division, wishes to confirm that Ken Joe Construction has agreed to our request to attend your property with a City Property Standards Officer. The purpose of the meeting is to explain what action is needed for the contractor to comply with the original schedule as it pertains to three items. The items in question are:

(1) wrapping of the pipes in the basement bathroom;
(2) ramp width; and,
(3) exit from bedroom not being flush with the floor.

It should be noted that the contractor has agreed to undertake this remedial action although this work was passed and acknowledged as acceptable by both the City and you as owner. As you will recall, the cheque for payment was sent to you and you then endorsed and forwarded to the contractor. The contractor, therefore, is doing this work as a gesture of good will and not as a legal obligation.

The question of the elevator is not an issue at present and will be the responsibility of another contractor once all the problems of sufficient funding are resolved. At present, there is $2,875. remaining from the Ontario Home Renewal Programme - Disabled. If additional clarification is needed please contact the undersigned.

Yours truly,

J. H. Robinson
Coordinator of
Housing Loans

In the Examination of 3
SADEEK MOHAMED
MOHAMED vs VANDERSCHAAF
on DEC 2, 1993
Mary J. Hannigan
Official Examiner
Hamilton, Ontario

HHR:mg
c.c. D. Inglis
Ken Joe Construction

LAW DEPARTMENT

City of HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4520 / Fax (905) 546-2142

1996 May 15

FILE NO:100-14/92.38

Russell M. Allegra
Barrister and Solicitor
154 Main Street East
Suite 100
Hamilton, Ontario
L8N 1G9

Dear Sir:

Re: Mohammed -v- Vanderwal and City

Thank you for yours of May 4th, 1996.

Unfortunately, events which have occurred since October 18th, 1994, would seem to have effectively removed any prospect of settling this matter as set out in my letter of the same date.

Firstly, the $2,875.00 which was being held back was part of the funds under the Ontario Homes Renewal Programme - Disabled. That programme was cancelled by the Province at the end of their 1994 - 1995 fiscal year and the funds being held by the City had to be returned to the Province. Accordingly, the programme under which the funds were to be advanced no long exists and the funds were returned to the Province for whom the City acted as Agent in operating the programme.

Secondly, in June of 1995, your client made an Assignment in Bankruptcy. I attach a copy of the Notice first Meeting which was served upon the City. I should certainly like to hear from you with respect to your view as to the effect of the bankruptcy, but it seems to me that upon making the Assignment in Bankruptcy your clients action against the City was stayed subject only to a right in the Trustee in Bankruptcy to proceed with it to recover funds for the estate.

I look forward to hearing from you.

Yours truly,

Peter A. Barkwell
Litigation Counsel

PAB;hk
c.c. James D. Higginson
Evans Husband.

4a)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 1 [illegible] 1997

DATE: 1997 January 15
CI-91-I

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Len King, P. Eng.
Building Commissioner

P. Noé Johnson, LL.B, M.A.,
City Solicitor

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Mobile Signs

RECOMMENDATION:

That staff be directed to schedule a Public Meeting of the Planning and Development Committee for 1997 February 5 at 9:30 a.m., to consider a draft by-law to regulate mobile signs in accordance with The Municipal Act, R.S.O., modified from the July 3 draft by-law considered by the Planning and Development Committee, on the following basis:

- delete reference to prohibition of third party advertising;
- increase the maximum number of days per year from 90 days to 180 days;
- increase the maximum permit period from 15 days to 60 days (a maximum of 4 consecutive 15 day permits);
- cost of each 15 day permit increment remains at $35;
- modify the hiatus period from 30 days to be equal to the time period on the most recent

mobile sign permits on the property (eg. if a permit is issued for 30 consecutive days then a hiatus period of 30 consecutive days must elapse before another permit can be issued for the same property);

- change permits issued per property to permits issued per business, subject to the hiatus restrictions; and,

- clarify reference to "City sponsored events"and applicable regulations.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

City Council, on 1996 July 9, adopted the following recommendation of the Planning and Development Committee regarding mobile signs:

"2. That approval be given to City Initiative 91-I, to regulate mobile signs on private property on the following basis:

(a) (i) That the Building Commissioner be directed to pro-actively enforce the current regulations of Zoning By-law No. 6593 as it applies to mobile signs on private property;

(ii) That the Appropriate City Authority be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

(iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing the by-law;

(b) That the Building Commissioner be directed to compile an inventory of all mobile signs deemed non-conforming under the by-law to be passed under the Municipal Act (APPENDIX "B" attached); and,

(c) That the by-law to regulate mobile signs on private property, in accordance with

the provisions of the Municipal Act, (see attached APPENDIX "B") not be passed by Council until the Building Commissioner has advised that the inventory of the non-conforming mobile signs has been completed and illegal signs have been identified."

Further, the Planning and Development Committee, at their 1996 July 3 meeting, directed:

> "that a working committee be struck composed of staff members and member of the mobile sign industry and that the committee report back in one year."

At their meeting of 1996 September 18, the Committee requested that staff include those who had expressed opposition to mobile signs on the working committee being set up to review the mobile sign by-law.

The Mobile Sign Working Committee was established (see APPENDIX "A" for list of participants) and has met on seven occasions (1996 October 11 and 24, November 7 and 21, December 5 and 19 and 1997 January 9).

In addition, four status reports have been considered by the Planning and Development Committee at their meetings of 1996 October 2 and 23, November 6 and December 4.

The Planning and Development Committee, at their meeting of 1996 December 4, recommended to Council, approval of the draft by-law to regulate mobile signs on private property, amended from the 1996 July 3 draft, to delete the prohibition of third party advertising.

City Council, at its meeting 1996 December 11, referred back to Planning and Development Committee, the draft by-law to regulate mobile signs on private property (see APPENDIX "B" attached) and three related pieces of correspondence (see APPENDIX "C" attached).

REPORT:

The Mobile Sign Working Committee, as noted previously has met on seven occasions. In addition to discussing the specifics of the draft by-law, the Committee were also given status reports on the inventory and proactive enforcement on the public road allowances and private property. In reviewing the specifics of the draft by-law, all the mobile sign leasing company representatives on the Working Committee (except for one) identified a number of issues in the draft by-law as follows:

- to increase the number of days a mobile sign can be located on a property from 90 days (6-15 day permit periods) to 180 days (12-15 day permit periods) per year;

- to allow permits be registered per business, not per property;

- to eliminate the hiatus periods between rental periods;
- to allow the mobile sign companies set up accounts with the City to streamline the permit approval process;
- to reduce the minimum separation distance between 2 signs on the same property from 30 m to 15 m;
- to reduce the variance fee of $300 to a more affordable fee (ie. $75); and,
- to license companies operating mobile sign leasing businesses in the City.

Discussion of Issues from the Mobile Sign Working Committee

Increase in Permit Periods

Section 14(a) of the draft by-law states that a maximum total number of days per year that a mobile sign can be located on a property is 90 days (6-15 day permit periods). The survey of municipalities done previously for this study indicates that time periods range from 30 days per year to 210 days per year. The City of Brampton has no time limit, but charges $35 for each two week display period.

Given the experience of other municipalities and the deliberations of the Working Committee, there may be merit to increasing the time period to 180 days (12-15 day permits or as many as 3-60 day periods of 4 consecutive 15 day permits) per year provided that other factors (ie. hiatus period per property and number of signs per property are maintained as in the present draft by-law).

Permits Allocated Per Property

Section 11 of the draft by-law limits the number of sign permits issued for any "property" to 12 permits per year. This provision ties the permit to the property and does not allow for other tenants on the property to use a sign. Once the permit periods are used up on a property, then no sign will be permitted on the property for the rest of the year. If the permits are allocated per business, then the maximum number of days a permit is issued runs with the business and not the property. This proposal has merit provided the number of signs per property continues to be limited as in the draft by-law.

Hiatus Period

Section 8 of the draft by-law requires a "hiatus period" of 30 days between mobile sign permits issued for a property. During this hiatus period, no permit will be issued for the same property unless thirty days have passed since the last permit for that property. The operators proposal to eliminate the hiatus period cannot be supported.

The hiatus period should be maintained in the by-law to ensure that these signs do not become "permanent". In addition, it is proposed that the hiatus period should be consistant with the same number of consecutive days that the previous permit(s) was issued (ie. if a permit has been issued for 60 days on the property, than the next permit for that property cannot be issued for 60 days).

Permit Processing

Sections 3 to 17 of the draft by-law deal in general terms with the permit process for mobile signs. The setting up accounts and developing a permit process is a procedural matter not covered in the draft by-law. The Building Department advises that accounts with the mobile sign leasing companies can be set up with the City and payment can also be by Visa or Mastercard. To streamline the process, applications could be faxed in and approvals out.

Minimum Separation Distance

Section 7 of the draft by-law establishes a minimum separation distance between two signs on the same property at 30 m. This provision permits up two signs on one property only where there is a minimum separation distance of 30 m. This distance separation is reasonable to avoid clutter and enhance the streetscape.

Variance Fees

Section 19(b) of the draft by-law establishes the fee for variances at $300. This fee is based on full cost recovery for processing (ie. inspections, review by departments, report to Planning and Development Committee and Council). On this basis, there is no reason to reduce the fee charged for variances.

Licensing

In their deliberations, the mobile sign operators on the Working Committee felt very strongly that the City should license mobile sign leasing companies carrying on business in the City. It was their position that licensing would keep the leasing companies doing business in the City accountable for unprofessional actions.

The City Clerk's Department, which administer licensing activities, has advised (as noted in previous reports on this matter) that the City has been deregulating a number of license categories in favour of other options. In this regard, they suggest that other options be pursued for mobile signs (ie. proactive enforcement). Based on these comments, licensing operators cannot be supported.

<u>Other Issues</u>

Third Party Advertising

The Law Department has further reviewed the regulation of third party mobile signs/advertising. Third party advertising was defined in an earlier draft of the mobile sign by-law as follows:

"third party advertising" means the advertising contents of a mobile sign which is meant to direct attention for the purposes of marketing, promoting or advertising a business, product, service, activity or facility which is provided at a location other than where the sign is located.

The regulation of third party signs/advertising is essentially the regulation of advertising content. The Law Department recommends that the mobile sign by-law be amended to delete regulation of third party mobile signs to avoid an "uphill" constitutional battle relating to the content of advertising.

City Sponsored Events

The draft by-law includes a provision exempting "City sponsored events" from the $35 permit fee. The Culture and Recreation Department advises that clarification of a "City sponsored event" is required. Further, there may be conflicts with the mobile sign by-law and the Parks Signage By-law. Review of this matter also revealed that many of the City parks and other public lands are where mobile signs are now permitted for such "events" are in zoning districts where mobile signs would not be permitted in accordance with the draft by-law (eg. "C" or "A" Districts). In this regard, modifications will be required to clarify a "City sponsored event" and to ensure the regulations are consistent with City policies for mobile signs for special "events".

Recommended Changes to the Draft By-law

Based on the input received from the Mobile Sign Working Committee and the experience of other municipalities, a number of changes and refinements to the draft by-law to regulate mobile signs on private property, considered by the Planning and Development Committee at their Public Meeting of 1996 July 3, can be supported as follows:

- delete reference to prohibition of third party advertising;
- increase the maximum number of days per year from 90 days to 180 days;
- increase the maximum permit period from 15 days to 60 days (a maximum of 4 consecutive 15 day permits);
- cost of each 15 day permit increment remains at $35;
- modify the hiatus period from 30 days to be equal to the time period on the most recent mobile sign permits on the property (eg. if a permit is issued for 30 consecutive days then a hiatus period of 30 consecutive days must elapse before another permit can be issued for the same property);
- change permits issued per property to permits issued per business, subject to the hiatus

restrictions; and,

- clarify reference to "City sponsored events"and applicable regulations.

CONCLUSION:

Based on the foregoing, it is appropriate to schedule a public meeting of the Planning and Development Committee to consider the draft by-law to regulate mobile signs on private property as amended from the July 3, 1996 draft.

CLP\PL\AZ
CI-91-I

MOBILE SIGN WORKING COMMITTEE APPENDIX "A"

PARTICIPANTS

City Staff

Caroline Floroff - Planning & Development Department
George Caetano - Building Department
Bill Young - Public Works & Traffic Department

Mobile Sign Companies

Max Perritt
Davies Signs
139 Abbey Close
Ancaster L9G 4K7

George Langadinos
Hamilton-Wentworth Mobile Sing Assoc. Inc.
38A Bigwin Rd.
Hamilton L8W 3R4

Don MacPhail
Canadian Mobile Sign Association
Ad-vantage Signs
5100 South Service Rd. Unit 27
Burlington L7L 6A5

John Shouten
Eyemark Signs
940 5th Concession W.
R.R. #2
Waterdown L0R 2H2

Simon Ive
1-888-Rent Signs
address no available

Nancy Watt
Mobile Ad of Canada
2500 Industrial St.
Burlington L7P 1A5

Citizens

Henry Muggah (Dr.)
120 Chedoke Ave.
Hamilton L8P HN9

James McLean
Westdale Optical Boutique
1050 King St. W.
Hamilton L8S 1L6

Bill No.C-70

The Corporation of the City of Hamilton

BY-LAW NO. 96-

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF MOBILE SIGNS ON PRIVATE PROPERTY WITHIN THE CITY OF HAMILTON

WHEREAS Section 210, paragraph 146 of the Municipal Act R.S.O. 1990, c.M. 45, authorizes a council of a local municipality to pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof,

AND WHEREAS the Council of The Corporation of the City of Hamilton has deemed it desirable to enact a by-law regulating the size, use, location and maintenance of mobile signs on private property for the purpose of ensuring that mobile signs minimize hazards to pedestrian and vehicular traffic,

AND WHEREAS Council has deemed it desirable to enact a by-law which imposes restrictions on the number of mobile sign permits that will be issued and to limit the amount of time a mobile sign can be placed in one location for the purpose of maintaining and preserving the aesthetic integrity of the urban landscape,

AND WHEREAS Council is empowered under Section 326 of the Municipal Act, R.S.O. 1990, c.M.45, to require compliance with this by-law, and upon default of such compliance, may carry out such corrective action as is deemed appropriate and may recover the expenses incurred in doing so in like manner as municipal taxes,

AND WHEREAS Council is empowered under Section 320 of the Municipal Act, R.S.O. 1990, c.M.45 to impose fines for the contravention of any by-law,

NOW THEREFORE the Council for The Corporation of the City of Hamilton ENACTS as follows:

ADMINISTRATION AND GENERAL PROVISIONS

Definitions

1. In this By-law,

(a) "agent" means a person designated by another person to act on his behalf;
(b) "applicant" means a person applying for a mobile sign permit under this By-law;
(c) "business" means any one activity, dealing, occupation or trade of either a commercial, industrial or professional endeavour as carried out or engaged in, at an establishment;
(d) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the City of Hamilton and includes his designate;
(e) "City" means the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;
(f) "commercial district" means property that is zoned commercial as defined under City of Hamilton Zoning By-law 6593 as amended;
(g) "commercial or industrial complex" includes a shopping centre, shopping mall, shopping plaza, strip plaza, mall or place and is a group of three or more commercial uses excluding professional and administrative offices;
(h) "Corporation" means The Corporation of the City of Hamilton;
(i) "Council" means the Council for The Corporation of the City of Hamilton;
(j) "daylight triangle" means an area of a corner lot which is determined after the side lot line adjacent to the street and the street lot line have been extended to their point of intersection and by measuring from the point of intersection of the two lot lines a distance of 9.0m, along each lot line and joining such points with a straight line. The triangularly-shaped land between the point of intersection of such lot lines and the straight line joining the points at the designated distance along each such lot line shall be known as the "daylight triangle";
(k) "downtown core" means the area shown on Schedule "A" of this By-law;
(l) "electronic variable message centre (EVMC)" means an illuminated sign or part thereof which is computer controlled and which displays information to

variable sequence of electronically generated letters, words, light patterns or shapes;

(m) "erect" includes the placing of, arranging for the placing of, the renting of, or the leasing of;

(n) "flashing mobile sign" means a mobile sign equipped with an intermittent or flashing light source;

(o) "street lot line" means the line that divides a lot from a street, but not a lane or alleyway;

(p) "grade" means the average level or elevation of the finished surface of the ground adjoining a building at all of the exterior walls or the mobile sign structure at the point of contact with the ground but shall not include any artificial embankment or planter box;

(q) "illumination" means lighting of the sign, in whole or in part by artificial means. Internal illumination means lighting the sign face with a light source located within the sign; external illumination means having a light source exterior to the sign and on, or directed at the sign, and flashing illumination means illumination that varies and is perceived to vary in intensity or design at periodic intervals;

(r) "industrial district" means property that is zoned industrial and defined under City of Hamilton Zoning By-law 6593 as amended;

(s) "message board" means that part of a sign on which the copy, characters, symbols or letters used to create the sign message are displayed, and "display surface" shall have a similar meaning;

(t) "mobile sign" means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

(u) "mobile sign permit" means a mobile sign permit issued by the Chief Building Official or his designate pursuant to the provisions of this By-law for the legal display of a mobile sign;

(v) "motorized vehicle" means an automobile, truck, motorcycle or similar self-propelled means of transport but does not include a trailer;

(w) "multiple address location" means a location where two or more municipal addresses are contained in the same commercial or industrial complex or place;

(x) "permit holder" means a person who holds a valid mobile sign permit issued under this By-law;

(y) "person" means an individual, firm, corporation, association or partnership and includes an owner and lessee of a property;

(z) "premises" means specific property, and includes all buildings and accessory structures thereon;

(aa) "property" means and refers to the location where a sign is to be positioned for display, or is displayed, or can be a reference to a specific street address of a business and includes a multiple address location;

(bb) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;

(cc) "sign area" means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border shall include all the area of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign;

(dd) "sign height" means the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame; and,

(ee) "unsafe sign" means a sign which is either structurally unsafe, or which constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which would otherwise constitute a risk to the safety of persons or premises.

Administration

2. The Chief Building Official or his designate shall:

(a) receive and process all applications for mobile sign permits required under this By-law;
(b) administer the issuance of mobile sign permits in accordance with provisions of this By-law;
(c) maintain and keep records of all applications received for mobile sign permits and records of all mobile sign permits issued;
(d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

Mobile Sign Permits

3. No person or his agent shall erect, display or otherwise use a mobile sign, without first obtaining a mobile sign permit as provided by this By-law.

4. A person or his agent, may obtain a mobile sign permit if:
   (a) he completes an application form provided by the Chief Building Official or his designate;
   (b) he files, as may be required by the Chief Building Official, in duplicate, a sketch of sufficient detail and quality as is necessary to ascertain whether or not the mobile sign will be in compliance with this By-law with accurate measurements of distances showing the intended location of the mobile sign and from that location the:
      (i) distance to the nearest street lot line;
      (ii) distance to the nearest edge of pavement of the nearest roadway;
      (iii) distance to the nearest edge of pavement at the intersection of two or more streets;
      (iv) distance to the nearest edge of the nearest mobile sign;
      (v) distance to the nearest edge of a building;
      (vi) distance to the nearest residential property; and
   (c) he files, as may be required by the Chief Building Official, measurements of the size of the mobile sign and it's supporting framework.

5. The number of days that a mobile sign is erected or displayed, shall be determined from the date and including the day of permit issuance, or date of erection if the mobile sign was erected prior to permit issuance.

6. The Chief Building Official or his designate may require a person, or his agent to provide proof of interest either as a lessee, renter, tenant or owner of the property on which the mobile sign is to be located, and/or a legal survey of the property on which the mobile sign is located or is intended to be located.

7. At any one property a maximum of two (2) mobile sign permits may be granted at any one time provided that there is a minimum distance of 30 meters between each mobile sign on the same property.

8. No mobile sign permit shall be issued for a property, person or business at a municipal address or location where thirty (30) days have not transpired since the expiry date on the previous mobile sign permit for that property.

9. No person shall make application for a mobile sign permit who is not the owner, or the authorized agent of the owner of the property on which the mobile sign is to be placed.

10. No person, or his agent shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a mobile sign permit, or revision thereto.

11. No person, or his agent shall apply for or receive, more than twelve (12) mobile sign permits for any property within any one (1) calendar year in accordance with section 7 above.

12. Applications will be processed in order of date and time received but no permit will be issued for a property which already has a mobile sign permit and until that mobile sign permit has expired.

13. A person or his agent or a permit holder may erect, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign where the sign is not in the "downtown core" (as defined on Schedule "A" to this By-law) and:
    (a) is located on property which is zoned as:
        (i) a "commercial district" including:
            1. the "G" Districts including "G", "G-1", "G-2" and "G-4" [except "G-3" (Public Parking Lot) District]; and
            2. the "H" and "HH" Districts; or
        (ii) an "industrial district" including:
            1. the "J" and "JJ" Districts;
            2. the "K" and "KK" Districts; and
            3. the "M" Districts, including "M-11", "M-12", "M-13", "M-14", and "M-15";
    (b) is in good repair and has not become unsafe, unsightly or dangerous;
    (c) is situated at grade;
    (d) where it is electrically illuminated, has Ontario Hydro safety code approval;
    (e) where it is utilizing electrical power, uses only an electrical cord that has C.S.A. approval;
    (f) is located on private property and is not located on a road allowance;
    (g) where it is located within 100 feet (30.5 metres) of a residential zone, is equipped with a timer to turn off the light source in order to eliminate any annoyance to persons in the adjoining residential zones between the hours of 10:00 P.M. and 8:00 A.M.;
    (h) has the name and telephone number of the owner of the mobile sign affixed to the mobile sign at a clearly visible location;
    (i) has not greater than $5.6m^2$ of sign area per face with no one dimension greater than 2.4m; and
    (j) has a sign height that does not exceed 2.4m.

14. No person, or his agent or permit holder, shall erect, permit to be erected, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign on lands or buildings owned, rented, leased or occupied by them:
    (a) for more than six (6), fifteen (15) consecutive day increments based on the calendar year at any property to which the mobile sign permit was issued;
    (b) on a property where a previous mobile sign permit has expired and no further permits are available in accordance with subsection (a) above;
    (c) the content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the municipality, or which would identify, advertise or provide information in relation to a use or occupancy not permitted under a Zoning By-law;
    (d) contrary to the approved location on a sketch, and contrary to information on the application, in respect of which the mobile sign permit was issued;
    (e) so as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting;
    (f) at any location where the sign obstructs the sightlines and view of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device;
    (g) which obstructs or otherwise interferes with an exit door or fire escape, fire exit route, fire hydrant, or yard hydrant so as to prevent or impede the free access of emergency vehicles and personnel to emergency equipment or to any part of a building requiring such access;
    (h) which obstructs or otherwise impedes the parking of a motor vehicle or is situated in a required parking or manoeuvring area;
    (i) with electrical wiring in the path of vehicular or pedestrian traffic;
    (j) which has flashing or moving lights;
    (k) which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion;
    (l) which in whole, or in part is an electronic variable message centre;
    (m) which emits illumination resembling an emergency light or traffic regulating device;
    (n) prior to the issue date or after the expiry date as set out in the mobile sign permit;
    (o) which would be an unsafe sign;
    (p) within 50 feet (15 metres) of the closest edge of the nearest mobile sign;
    (q) within 30 feet (9 metres) of the intersection of two streets;

(r) within 50 feet (15 metres) of a residential district;
(s) where the setback from property lines to the mobile sign is less than 1.5 metres;
(t) where the mobile sign is elevated on any temporary or permanent object which is being used as the base for a mobile sign or part of a mobile sign structure;
(u) where the property is zoned anything other than that indicated in section 13;
(v) where the property on which the mobile sign is located is zoned "residential";
(w) where the property on which the mobile sign is situated is located, in the downtown core as shown on Schedule "A" of this By-law;
(x) where two mobile sign permits have already been issued for the property and have not expired;
(y) where the mobile sign would not comply with this or any other by-law;
(z) which has more than two sign faces or any one sign face which exceeds 5.6m^2 in area or has any one dimension that is greater than 2.4m;
(aa) which has a maximum height measured from grade greater than 2.4m; and

15. A person or his agent shall place the mobile sign at the municipal address of the person named on the application.

16. The permit fee as set out in Schedule "B" shall be submitted with each application for a mobile sign permit.

17. The permit fee as set out in Schedule "B" does not apply to an application for a City of Hamilton sponsored event.

REVOCATION OF A PERMIT

18. A mobile sign permit may be revoked by the Chief Building Official or his designate under the following circumstances:
(a) where the mobile sign does not conform to this By-law and amendments thereto;
(b) where the mobile sign does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
(c) where the mobile sign permit has been issued as the result of false, incorrect or misleading statements;
(d) where the mobile sign permit has been issued in error by the Chief Building Official or his designate.

VARIANCES

19. (a) Where the applicant or person in control of a sign for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor variance from the provisions and regulations of this by-law.

The Council shall hear all such applications and may authorize minor variances from the provisions and regulations of this by-law.

(b) All applications for a minor variance shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of three hundred dollars ($300.00). The variance fee shall not be refundable.

PENALTIES AND ENFORCEMENT

Removal of Illegal Mobile Signs

20. (a) When a mobile sign is erected or displayed in contravention of the provisions of this By-law, the mobile sign shall be removed immediately without notice, where located on, over, partly on, or partly over, property owned by or under the jurisdiction of the City of Hamilton;

(b) Where a mobile sign is located on property other than property owned by or under the jurisdiction of the City of Hamilton, the Chief Building Official or his designate may forward a notice, by personal service or regular post, to the Lessee or owner of the sign, or their agents, or to the person or agent having the use or major benefit of the mobile sign, requiring that the mobile sign be permanently removed within the time specified in the Notice and thereafter not replaced with any mobile sign in contravention of this By-law;

(c) If the Notice is not complied with the Chief Building Official or his designate may require that the municipality, its employees, or an independent contractor enter upon the land and remove such mobile sign. The owner of the land upon which the mobile sign was located shall pay for any costs or expenses of the City. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended from time to time;

(d) where a mobile sign is deemed by the Chief Building Official or his designate to be in such a condition or location that it is or may be a hazard to the public, the Chief Building Official or his designate may either serve written notice to the owner or tenant of the property on which, or in front of which such mobile sign is located, to remove such mobile sign or make the same safe, or without giving notice to the owner or tenant of the property on which such mobile sign is located, cause such mobile sign or structure to be removed;

(e) any sign removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed;

(f) mobile signs removed shall be stored by the City for a period of time of not more than thirty (30) days, during which time the owner or his agent may be entitled to redeem such mobile sign upon the payment to the City of a one hundred dollar ($100.00) fee in addition to any applicable costs or expenses referred to in subsection (c) above;

(g) where a mobile sign has been removed by the City and stored for a period of 30 days and has not been redeemed, such mobile sign shall be forthwith destroyed or otherwise disposed of by the City.

Penalty for Non-Compliance

21. (a) Any person who, on his own or by his agent, contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time to a fine of not more than five thousand dollars ($5,000.00), exclusive of costs, for each offence. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such thereunder. Such fine shall be recoverable under the Provincial Offences Act.

(b) Where a person has been convicted of an offense under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offense.

(c) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

Liability

22. Any persons erecting or maintaining any mobile sign or on whose property a mobile sign is located, shall be liable for such mobile sign. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such mobile sign or part thereof.

Notice

23. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by regular mail addressed to the person making application for permit to erect a mobile sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located, or at the last address for delivery appearing on the records of the Chief Building Official or his designate.

Schedules

24. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

Applicability

25. This By-law shall be applicable to all lands within the corporate limits of the City of Hamilton.

Validity

26. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Meaning

27. For the purpose of this By-law, where the words "his" or "he" is used they shall also mean or stand for the words "her" "she" and "it" in the case of a corporation.

Short Title

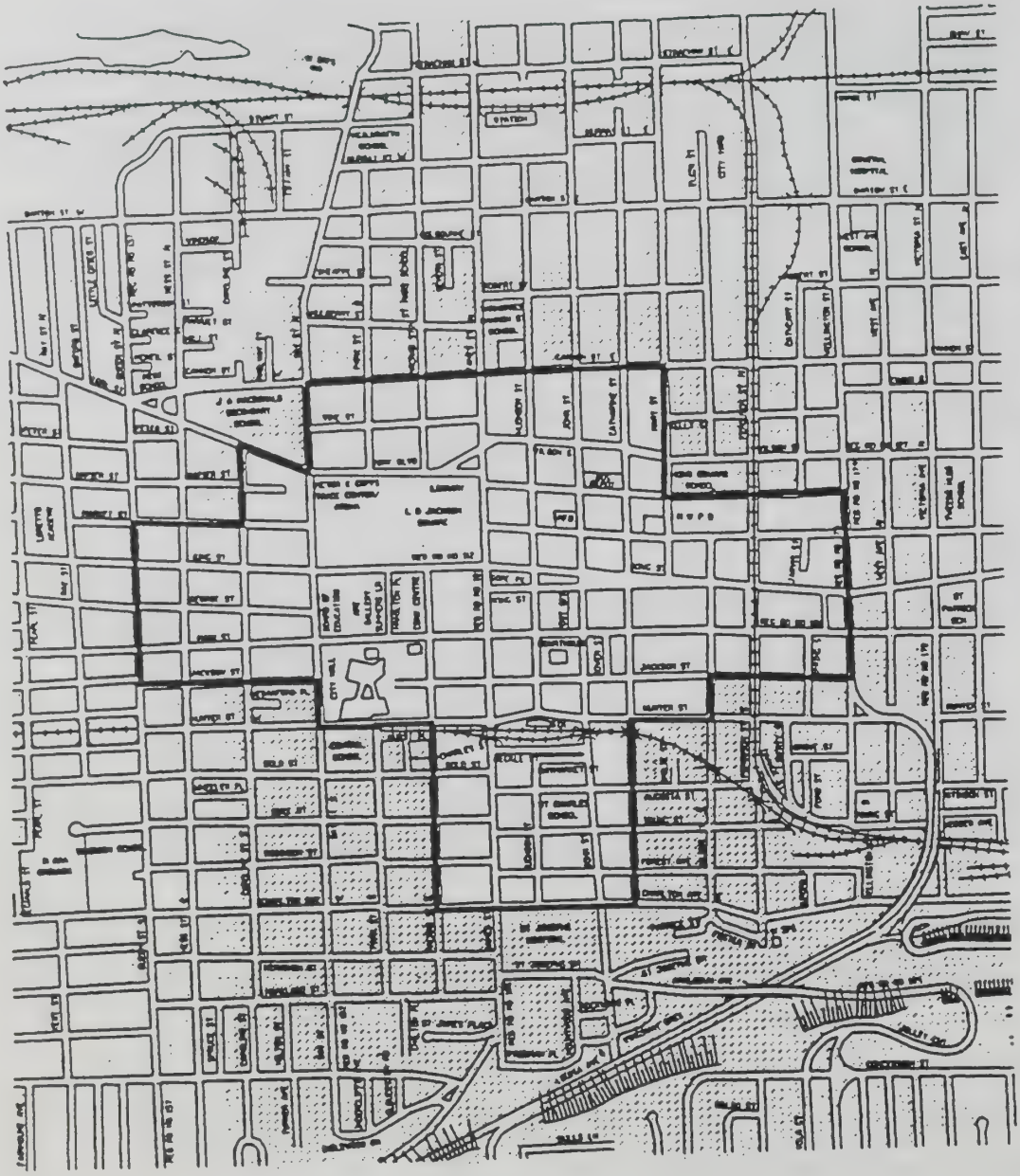
28. This By-law shall be known as the Mobile Sign By-law.

Effective Date

29. This By-law comes into force and takes effect on the 11th day of December, 1996.

PASSED this 10th day of December, 1996,A.D.

CITY CLERK MAYOR



This is Schedule "A" to By-Law No. 96 –.....
Passed the ..... day of ....., 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96–.....

Legend

Delineates Boundary of Downtown Core

North	Scale	Reference File No.
	NOT TO SCALE	CI-01-I
	Date	Drawn By

SCHEDULE "B"

PERMIT FEES

All permit applications shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of thirty-five ($35.00) per two week period.

APPENDIX "C"

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION INC.
38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

December 4, 1996

The Corporation of the
City of Hamilton
Attention:
Mr. J. J. Schatz, City Clerk
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: CI-91-I
Mobile sign draft By-law proposal

Dear Sir:

In response to your letter postmarked October 23, 1996 I would like to set the record straight.

As stated in my letter dated October 10, 1996 I have asked to speak on the above matter at the City Council's hearing or Public Hearing and not at the Planning and Development meeting, which you refer to.

As I have been informed, on the tenth of December 1996 the Mobile Sign Draft By-Law Proposal will be brought forward to the City Council for approval. As per my information no public hearing by City Council has taken place with respect to this matter, so therefore once again I ask that my request be brought forward to the City Council, that I ask for the opportunity to speak on the above issue prior to the draft proposal CI-91-I being passed by Council.

Yours truly,

George Langadinos,
Secretary/Treasurer

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION INC.
38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

December 9, 1996

The Corporation of the
City of Hamilton
Attention City Council
c/o Mr. J. j. Schatz, City Clerk &
Secretary of the Council
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: CI-91-I Mobile Sign Draft By-law Proposal
65-93 Zoning By-law
86-77 City Street By-law
94-117 Regional Sign By-law

Dear Sir:

I have written to you in the past with respect to bill CI-91-I and also a letter requesting a copy of hte Zoning By-law 65-93 as it applies to mobile signs on private property.

On August 8, 1996 you replied with a letter to me that the City of Hamilton's Zoning By-law 65-93 contains numerous references to the installation and erection of signs throughout the By-law in various zoning designations.

You also replied "that there exists no one section dealing with mobile signs or ground signs".

On this Tuesday, December 10, 1996, as you know, the City Council at its meeting, will consider to approve the proposed draft By-Law CI-91-I. I, hereby, advise you that the above draft By-Law has failed to comply with requirements of the Municiapl Act R.S.O. 1990 Chapter M45, Section 210 Paragraph 146, which does not include and/or not even mentions the words Mobile Signs and the term does neither exist in the Municipal Act. Under Section 210 Paragraph 147 the Municipal Act is recognizing the mobile sign industry as mobile sign lessors, this City of Hamilton does not and callsthem operators? Under paragraph 146 (e) With respect to public notices and (f) The Council shall hear any person -, also the document has failed to comply with the requirements of the Planning Act R.S.O. 1990 Chapetr 13 with respect to the Zoning By-laws R.R.O. 1990 Part V - Land use controls - Notice under Subsection 34; (9) (a), (12) and (13).

Mr. Schatz and Council members, the draft By-Law proposal has violated regulation 920 with respect to the public notice. By the record up to this date notice of Public Meeting has been given only for the Planning and Development Committee, which took place on July 3, 1996, and not by the City Council, as both, by the Municipal Act and the Planning Act, clearly indicate to do so.

The information was given to the public for inspection with respect to the draft By-law on July 2, 1996, and was available on July 2, 1996 after 12 Noon and the next day on July 3, 1996 at 9:30 AM the Planning and Development Committee held a meeting. I attended this meeting and I spoke on the issue. There was a full house of City staff and members of the Planning and Development Committee. I rejected the proposed document as as an unofficial document, as well as for many other reasons.

The newsprint media was there and they were taken notes. Prior to this public hearing two other public meeting were held by the Planning and Development Committee with respect to the issue and as by the record they were not valid as by lack of quorum. The newsprint media. which maintains

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION INC.
38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

December 9, 1996 The Corporation of the City of Hamilton

an office at this City Hall of ours, has not only mentioned these non-valid meetings, but they kept on publishingarticles by the editorial member with half page pictures raising moral questions from the public as to the ugliness of the mobile signs. As by the record and after the July 3, 1996 public hearing of the Planning and Development Committee and as by the presence of the press, taking notes of this hearing, there was no article published by the press as of this date with respect to that meeting. The public was not informed once again.

The record I have in my possession, issued by the Building Department, orders sent out to the merchants to comply by the Building Department, with respect to the Zoning By-law 65-93 (as amended Section 17D "M12" districts and Section 13A "G-1" districts) requires an explanation from the City and from the Building Department. If another By-law has been passed by the City Council, the public deserves a right to know. If it is an amendment only, as described, then this order to comply should not have been send out, because this invloves a different subject. The subject of the mobile sign issue, which is involved in the proposed draft By-law.

My question is do we have two By-laws already, or was a By-law made and passed without any notice or public hearing held by the City Council?

As by the record I hereby ask you that the members of the City Council be made aware of this letter and that it be brought forward to the Council and I request the Council and its members not put forward the By-law at this time and proper notice be given to the public and to announce a plublic hearing.

If the pro-active enforcement will take place, as it now stands, on the private lands, merchants and business and mobile sign lessors will be hurt and it may result in many bankruptcies. If those hurt find out that the whole process, with respect to this issue, has violated the Municipal Act and the Planning Act, serious consequences will occur for those defaulting and failing to perform their duties, including the Corporation of the City of Hamilton.

Yours truly,

George Langadinos,
Secretary/Treasurer

cc: Don Drury, Chairman Planning & Development Committee
Len King, Building Commissioner
Mayor R. Morrow
P. Noe Johnson, City Solicitor

Ad-Vantage Signs

19961207

City of Hamilton
71 Main Street West
Hamilton, Ontario

Mayor and Members of Council

RE: MOBILE SIGN BY-LAW

I respectfully request that the proposed By-Law regulating mobile signs in Hamilton be tabled at this time.

I make this recommendation based on the facts the administrative end of the By-Law is not in place--permits cannot be obtained, fees cannot be paid as the city is not prepared to issue.

Other Municipalities in the Province have declared a moratorium to allow merchants an opportunity to sell, end rental and lease agreement's etc. Hopefully the City of Hamilton will also be benevolent in this respect and discuss this issue if the matter proceeds.

The working committee of which our company is a member had completed 70% of its mandate and I would again request the opportunity to complete the task to everyones (qualified) satisfaction.

Please be advised that the committee citizen appointment Mr. James McLean has done a very good job and deserves better than seeing the committee disband before its completion.

Thank you for your consideration.

Yours truly

Joan McPhail
Ad-Vantage Signs

5100 South Service Rd
Unit #27
Burlington. Ontario
L7L 6A5
Phone 634-6811
Fax 634-5422

MAY, PIRIE, DAKIN & ASSOCIATES LIMITED
LAND USE PLANNING CONSULTANTS
DONALD F. MAY, M.C.I.P., R.P.P. W. MORGAN PIRIE, M.C.I.P., R.P.P. J. KENNETH DAKIN, B.E.S.

4

DEC 2 3 1996

December 19, 1996
File No. HW-H-121

VIA FAX (546-2095)ORIGINAL BY MAIL

Ms. Tina Agnello, Secretary
Planning and Development Committee
City Clerk's Department
71 Main Street West
2nd Floor
Hamilton ON L8N 3T4

Dear Ms Agnello :

RE: ZAC-96-05 AND SAC-96-01

The above-noted applications were deferred at the Planning and Development Committee meeting of November 27, 1996. This letter serves as a formal request that the above-noted application be scheduled for the meeting scheduled for January 22, 1997.

Thank you for your assistance with this matter. Should you have any questions, or require additional information, please do not hesitate to contact our office.

Yours truly

MAY, PIRIE, DAKIN & ASSOCIATES LIMITED

Terri L. Johns, M.C.I.P., R.P.P.
Planning Associate
TLJ:js\cor7(b)

cc: Mr. S. Robichaud, Planning Department 546-4202
Mr. P. Silvestri, 528-6328
Mr. J. Maziarz, 529-6983

all ccs via fax only

3310 SOUTH SERVICE ROAD, SUITE 205, BURLINGTON, ONTARIO L7N 3M6
TELEPHONE (905) 632-4066 OAKVILLE (905) 847-0466 HAMILTON (905) 544-4870
FAX (905) 632-9528

P+D Dec 4/96 tabled to Jan 9/97.

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 . 1996

DATE: 1996 November 22
ZAC-96-05 & SAC-96-01
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision ("Olmsted Park") and Request for a change in zoning - 177 Rymal Road East and 1684 Upper Wellington Street

RECOMMENDATION:

(a) That approval be given to Amended Subdivision Application 96-01 (Regional File No. 25T-96001), **Paul Silvestri, owner,** to establish a draft plan of subdivision "Olmsted Park", for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, comprising of 14 lots for single detached dwellings, a block for townhouses, a future road and 2 blocks to be developed with the adjacent lands to the north and east for single detached dwellings, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated November 8, 1996, showing 14 lots for single detached dwellings, a block for multiple family residential development, a future road and 2 blocks to be developed with the adjacent lands to the north and east for single detached dwellings (see attached APPENDIX "B");

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(v) That the final plan conform with the Zoning By-law approved under the Planning Act;

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(vii) That a 2m x 2m daylight triangle on the corner Block 17 at the L-shape bend in the road leading into the cul-de-sac be included on the Final Plan of Subdivision.

(viii) That the north-south section of Street "A" must align centreline to centreline with the future street proposed in the approved "DiCenzo Gardens" (25T-86008) draft plan of subdivision.

(ix) That Lots 1 to 14 inclusive and Blocks 16 and 17 not be developed until the lands to the north have been registered by Plan of Subdivision and road access has been made available to service these lots.

(x) That Lots 2 to 5 inclusive and Block 16 not be developed until such time as the cul-de-sac bulb is established and constructed to its full width.

(xi) That any proposed phasing of the Plan be to the satisfaction of the Regional Environment Department.

(xii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

(xiii) That Lots 1 to 14 inclusive be serviced for water from the future cul-de-sac only.

(xiv) That the owner dedicate Block 20, being a 0.30m reserve along the rear of Lots 6 to 14 inclusive, adjacent to Rymal Road East and that the reserve be dedicated to the Region.

(xv) That the owner dedicate Block 18, being a 0.30m reserve along the rear of Lots 1 to 5 inclusive, and Block 16, adjacent to Upper Wellington Street, and that the reserve be dedicated to the Region.

(xvi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(xvii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-96001), Paul Silvestri, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(d) That approval be given to Amended Zoning Application ZAC-96-05, **Paul Silvestri, owner,** for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), "R-4" - 'H' (Small Lot Single Family - Holding) District (Block "2") and "C" (Urban Protected Residential, etc.) District (Block "3"), for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single Family - Holding) District;

(iii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iv) That the amending By-law applicable to Block "2" apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal services for the subject lands as the City deems necessary to service the proposed development.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled;

(v) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements;

(a) That notwithstanding Section 10E.(4)(a) of Zoning By-law No. 6593, where a yard abuts a street, a depth of not less than 3.0 metres from the street line shall be provided and maintained;

(b) That notwithstanding Section 18A(1)(b) of Zoning By-law No. 6593, a minimum of 4 visitor parking spaces shall be provided and maintained; and,

(c) That notwithstanding Section 18A(11)(a) of Zoning By-law No. 6593, visitor parking shall be not less that 0.5 m from the adjoining residential district boundary;

(vi) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the Block "1" on Zoning District Map W-17B be notated S - ;

(vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, as shown on the attached map, on the following basis:

Block "1" - From "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

Block "2" - From "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single Family - Holding) District; and,

Block "3" - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

In addition, the By-law provides for the following special variances applicable to Block "1" only:

- A minimum side yard of 3.0 m adjacent to Rymal Road East whereas the By-law requires 6.0 m;

- Requires that a minimum of 4 visitor parking spaces whereas the By-law requires 5 visitor parking spaces for a 16 unit townhouse development; and,

- A minimum setback of 0.5 m from the adjoining residential district boundary whereas the By-law requires a minimum setback of 1.5 m from the adjoining residential district boundary;

The effect of the By-law is to permit the development of the subject lands for 15 lots for single detached dwellings, a block for 16 townhouse units (see APPENDIX "C"), a future road and 2 blocks to be developed with the adjacent lands to the north and east for single detached dwellings, in accordance with the proposed draft plan of subdivision "Olmsted Park". In addition, the By-law will utilize a Holding Provision for Block "2" such that development cannot occur until the availability of all such municipal services for the subject lands as the City deems necessary to service the proposed development.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Paul Silvestri, owner.

Agent:

Terri Johns, May, Pirie, Dakin and Associates.

Surveyor:

B.J. Clarke, O.L.S., A.J. Clarke and Associates Ltd.

Location:

The lands are located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street., in the Ryckmans Neighbourhood (see APPENDIX "A").

Lot size and area:

The subject property is irregular in shape and has:

- a width of 146.3 m along Rymal Road East and 70.6 m along Upper Wellington St.;
- a maximum depth of 60.9 m; and
- ±1.3 ha (±3.2 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Two single detached dwelling and vacant lands	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant Lands	"R-4" (Small Lot Single Family) District
to the south	Single Detached Dwellings and vacant lands	"R-4" (Small Lot Single Family) District and "B" (Suburban Agricultural and Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Vacant lands	"R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District

Subdivision Proposal:

The amended subdivision application is to permit the subdivision of the subject lands into 14 lots for single detached dwellings, a block for townhouses, a future road and 2 blocks to be developed with the adjacent lands to the north and east for single detached dwellings (see attached APPENDIX "B").

The proposed draft plan has been red-lined revised to show a 2m x 2m daylight triangle on the corner Block 17 at the L-shape bend in the road leading into the cul-de-sac be included on the Final Plan of Subdivision.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

Official Plan:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Single and Double Residential" and "Attached Housing" in the approved Ryckmans Neighbourhood Plan. The proposal complies with the neighbourhood plan.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - the Traffic Division, Department of Public Works and Traffic; and,
  - the Hamilton Region Conservation Authority.

- The Regional Environment Department, has advised of the following for information purposes:

  "1) The proposed "Multiple Family Block" may be serviced for water from the existing 400mm diameter watermain and storm and sanitary sewers by the existing systems on Rymal Road East. Servicing of the single-family lots (1 to 9 inclusive) will require extension of the watermain and sewers from the northerly direction into the future cul-de-sac.

  2) According to the submitted draft plan, Lots 1 to 9 inclusive will be fronting onto the future cul-de-sac, therefore servicing of these lots will be permitted from the future cul-de-sac only.

  3) The sewer system on the future cul-de-sac will be required to service the future lots east of the subject lands.

4) Rymal Road East, in the vicinity west of Upper Wellington Street, will ultimately be reconstructed to three lanes (which includes a two-way centre, left-turn lane). However, this reconstruction is not slated until at least 1999. The profile of the existing Rymal Road East will remain relatively unchanged in the future.

   Given the nature of Rymal Road East, future adjacent residential development should be restricted to mid-blocks and other major collector roads.

5) The designated road allowance width of Rymal Road East is 36.58m. A portion of the widening was acquired by the Region by Instrument No. 167163 and shown as Part 12 on Reference Plan 62R-12578.

6) Direct access to Lots 6 to 12 inclusive will not be permitted to Rymal Road East and the development of these lots cannot proceed until the street connection to the north is provided.

7) Detailed comments on the development of Block 15 will be provided at the site plan stage.

8) The owner should consider a land assembly with the owner of lands to the north of the "Multiple Family Block" to ensure that the land uses designated can be developed to the best potential."

The Regional Environment Department, has provided the following recommendations:

"1) That the owner dedicate sufficient lands to the Region to establish the property line at 18.29m from the centreline of the original Rymal Road East road allowance and that these lands be shown as a separate block and dedicated as public highway by Certificate on the Final Plan of Subdivision.

2) That Lots 1 to 9 inclusive not be developed until the lands to the north have been registered by Plan of Subdivision or alternatively, the owner acquire the necessary easements for a sewer outlet and pay the full cost to construct the sewers in the easement.

3) That Lots 1 to 9 inclusive be serviced for water from the future cul-de-sac only.

4) That the owner show the 0.30m reserve as a separate Block on the Final Plan along the rear of Lots 1 to 7 inclusive, adjacent to Rymal Road East and that the reserve be dedicated to the Region by deed.

5) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the Region of Hamilton-Wentworth prior to development of any portion of these lands.

6) That a 2m x 2m daylight triangle on the corner Block 17 at the L-shape bend in the road leading into the cul-de-sac be included on the Final Plan of Subdivision.

7) That the north-south section of Street "A" must align centreline to centreline with the future street proposed in the approved "DiCenzo Gardens" (25T-86008) draft plan of subdivision.

8) That Lots 1 to 14 inclusive and Blocks 16 and 17 not be developed until the lands to the north have been registered by Plan of Subdivision and road access has been made available to service these lots.

9) That Lots 2 to 5 inclusive and Block 16 not be developed until such time as the cul-de-sac bulb is established and constructed to its full width.

10) That any proposed phasing of the Plan be to the satisfaction of the Regional Environment Department.

11) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

The submitted plan as prepared by B.J. Clarke, O.L.S. stamped with the date November 8, 1996 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

- The Transportation Department, Roads Division provided the following comments:

"1. The designated road allowance width of Rymal Road is 36.58m. In accordance with this designation, the applicant should be advised that as a condition of development approval we will recommend that sufficient lands be dedicated to the Region for road widening purposes to establish the property line 18.29 m from the centreline of the original Rymal Road allowance. For the information of the applicant, the Region previously acquired a portion of the widening by Instrument No. 176163 and shown as Part 12 on Reference Plan 62R-12578.

2. The designated road allowance width of Upper Wellington Street is 30.48m. In accordance with this designation, the applicant should be advised that as a condition of development approval we will recommend that sufficient land be dedicated to the Region for road widening purposes to establish the property line 15.24 m from the centreline of the original Upper Wellington Street road allowance. For the information of the applicant, the Region has previously acquired a portion of the road widening by Instrument No. 176164 and shown as Part 13 on Reference Plan 62R-12578.

3. Lands to be rezoned to R-4 cannot be developed until such time as internal street access is provided to this property from DiCenzo Gardens plan of subdivision to the north. Direct access to R-4 development will not be permitted to Rymal Road and consideration should be given to placing these lands in a Holding zone until street access to the north is provided. In addition, lands in the proposed cul-de-sac cannot be developed until the cul-de-sac bulb and radius transitions are established and constructed to their full width.

4. The remaining development details will be dealt with through site plan control for the block townhouses and Olmsted Park plan of subdivision for the single family homes. The applicant must ensure that the depth of the townhouse block shown on the preliminary site plan excludes lands required for the road allowance widening of Rymal Road.

5. We suggest that the applicant/owner consider a land assembly with the owner of lands to the north of thew multiple family block to ensure that the land uses designated can be developed to the best potential."

- The Regional Environment Department, Planning Division advised that the subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan. The proposal complies with the H.W.O.P.

- The Treasury Department has advised that Realty Tax were in arrears for the subject lands.

- The Building Department has advised that Blocks "1", "2" and "3" will be required to develop in accordance with the respective provisions of the "RT-20" District, "R-4" District and "C" District regulations of the Zoning By-law.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of both the Official Plan and the approved Ryckmans Neighbourhood Plan; and,

   ii) it would be compatible with existing and future planned residential uses.

3. The lands to be rezoned from "AA" District to "C" District (shown as Block 3 on APPENDIX "A") are not included in the draft plan of subdivision. There is an existing single family dwelling on the subject lands. The applicant has advised that they will be submitting an application for consent to create a lot and as such the lands have been

excluded from the draft plan of subdivision.

4. Lots 1 - 14 inclusive, cannot be developed until such time as servicing and the necessary road connection is available from the adjacent draft approved plan of subdivision "DiCenzo Gardens. In this regard, the Regional Environment Department, Development Division (Roads Department) has advised that the subject lands should be placed in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as the services can be extended though the abutting lands to service the proposed development. City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in the By-law once the condition is fulfilled.

5. The Building Department has advised that additional information regarding minimum lot area will be required to determine compliance with the Zoning By-law. As a condition of draft plan approval, the applicant will be required to submit a surveyor's certificate demonstrating compliance with the applicable provisions of the Zoning By-law conformity.

6. To facilitate the development of Block "2" and to maintain a built form edge along Rymal Road East, the Zoning By-law should provide for two variances from the provisions of the "RT-20" District. Specifically, the minimum side yard setback should be reduced from 6.0 m to 3.0 m in keeping with the side yard setback for single detached dwellings. In addition, the requested reduction in visitor parking from 5 on-site spaces to 4 can be supported given that the preliminary site plan provided by the applicant provides for 2 parking spaces per unit (1 in the garage, and 1 in the driveway) in addition to 4 visitor parking spaces. In addition, the visitor parking area will be 0.5 m from the lot line whereas the By-law requires 1.5 m. This reduction can be supported in that the reduced setback is to accommodate a manouvering area, as opposed to a parking stall and as a condition of site plan approval the applicant will be required to provide a 1.2m - 2.0 m privacy fence.

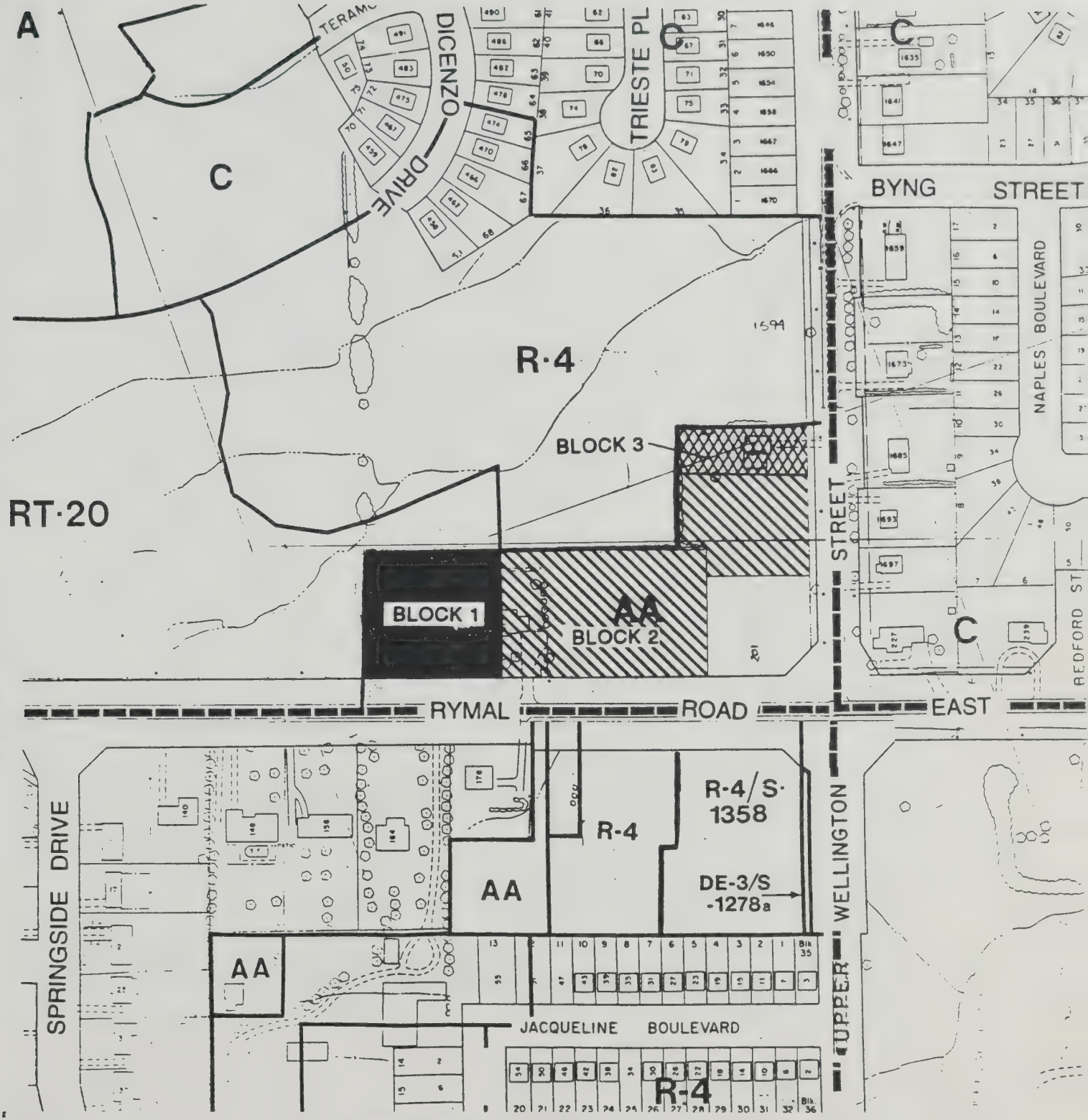
7. The "RT-20" (Townhouse - Maisonette) District is subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. In this regard, matters such as access, parking, landscaping, fencing, grading, etc. will be reviewed at the site plan control stage of development.

8. The approved Ryckmans Neighbourhood Plan identifies a neighbourhood park to the north of the subject lands adjacent to DiCenzo Drive. As such as a condition of draft plan approval, the applicant will be required to make a 5% cash-in-lieu parkland dedication to the City of Hamilton.

CONCLUSION:

Based on the foregoing, the applications can be supported.

SR/sr
ZA-96-05.RPT



Legend

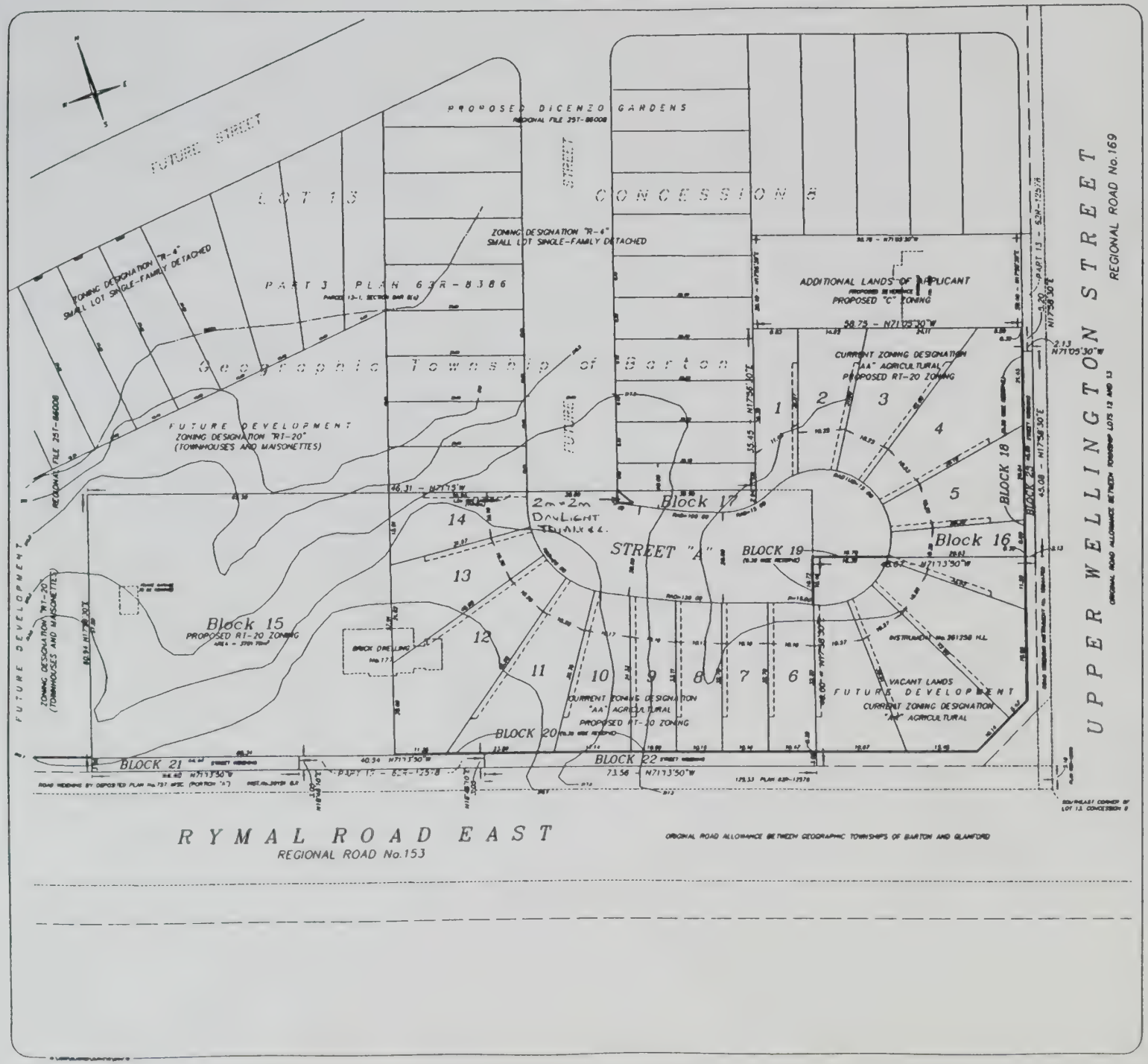
Legend

Proposed change in zoning :

BLOCK 1		"AA" (Agricultural) District, to "RT-20" (Townhouse-Maisonette) District.
BLOCK 2		"AA"" (Agricultural) District, to"R-4" -'H'. (Small Lot Single Family-Holding) District.
BLOCK 3		"AA" (Agricultural) District, to "C" (Urban Protected Residential, etc.) District.

ZAC-96-05
SAC-96-0

APPENDIX "



KEY PLAN

SCALE 0.12000

DRAFT PLAN OF

OLMSTED PARK

BEING A PROPOSED SUBDIVISION OF

PART OF LOT 13–CONCESSION 8

GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

SCALE 1: 400

B. J. CLARKE O.L.S.

1990

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(4)

THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. NONE

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

NOVEMBER 6, 1990 — DATE

B. J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

I, PAUL SILVESTRI, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

NOVEMBER 6, 1990 — DATE

PAUL SILVESTRI

LAND USE SCHEDULE:

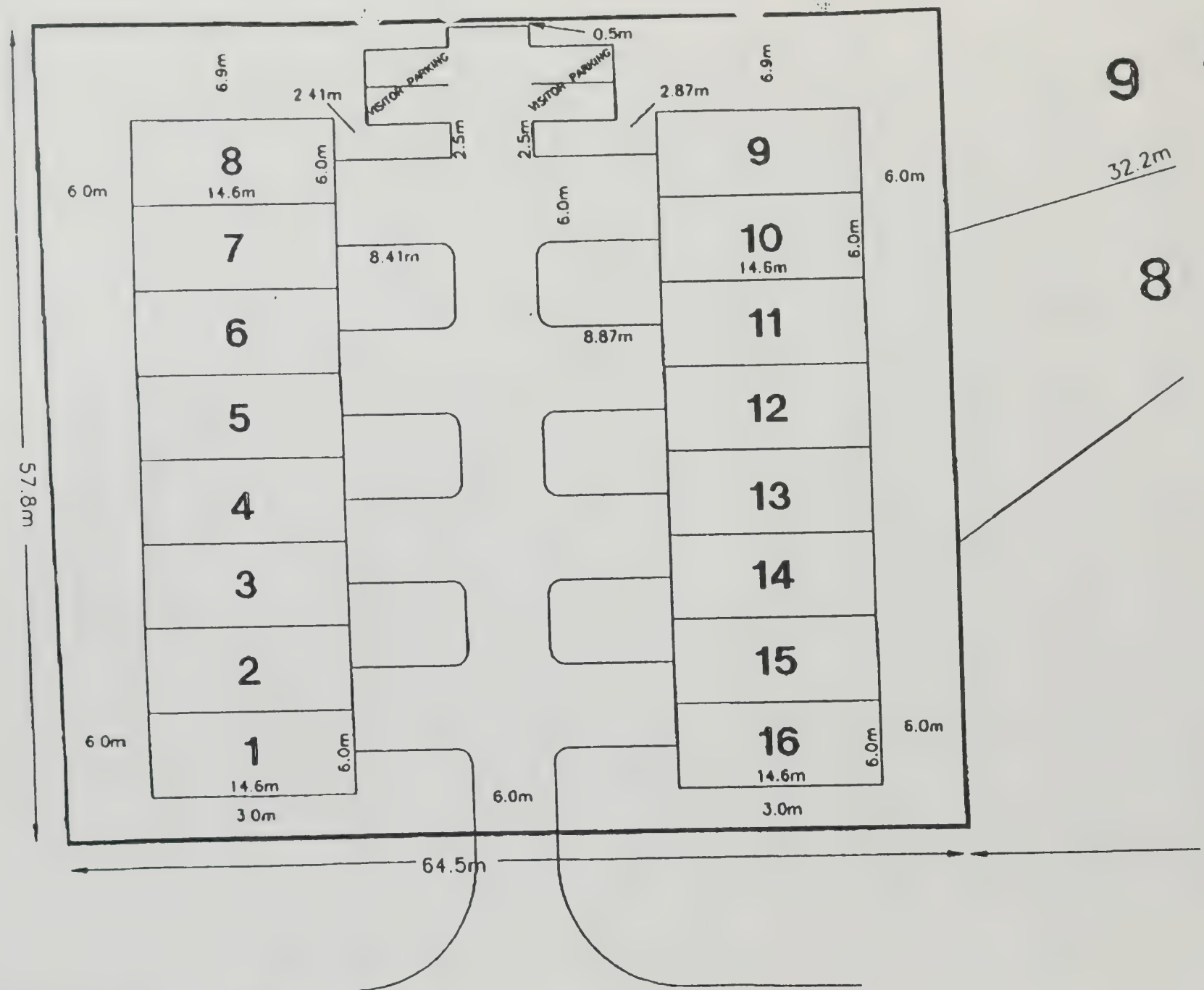
TOTAL AREA OF SUBDIVISION = 13.0 ha (32.000 acres)
LOTS 1 TO 14 - SMALL LOT SINGLE-FAMILY DETACHED (1.3ha)
BLOCK 15 - MULTIPLE FAMILY "RT 20" ZONING (0.38ha)
BLOCKS 16 & 17 - TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS
BLOCKS 18, 19 & 20 - 0.30 m RESERVES
BLOCKS 21, 22 & 23 - STREET WIDENING

SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS DAY OF , 1990.

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
AUTHORIZED BY BY-LAW No. 77-77-041

A. J. Clarke and Associates Ltd


DRAFT
9
8
32.2m
0.5m
6.9m
2.41m
2.87m
VISITOR PARKING
VISITOR PARKING
2.5m
2.5m
6.0m
6.0m
6.0m
6.0m
6.0m
6.0m
6.0m
6.0m
6.0m
6.0m
8
14.6m
7
6
5
4
3
2
1
14.6m
9
10
14.6m
11
12
13
14
15
16
14.6m
8.41m
8.87m
57.8m
64.5m
3.0m
3.0m
RYMAL ROAD

APPENDIX "C

4c)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 15 1997

DATE: 1997 January 14
(TC-DDC)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Hamilton Society of Architects - Downtown Charrette

RECOMMENDATIONS:

(a) That Council forward a letter of thank you to the Hamilton Society of Architects, which commends their hard work, enthusiasm, and commitment to finding positive and meaningful solutions for downtown Hamilton;

(b) That the report entitled "Hamilton Downtown Ideas Charrette: Final Report" be received and referred to the Downtown Partnership for coordination with the "Strong Medicine" Report;

(c) That staff and the Downtown Partnership continue to work on the implementation of the conclusions numbered 1-5, as outlined in APPENDIX "A";

(d) That the conclusions numbered 6, 7, and 8, as outlined in APPENDIX "A", respecting the downtown planning be incorporated into the terms of reference for the Downtown Neighbourhood Secondary Plan; and,

(e) That the conclusions numbered 9 and 10, as outlined in APPENDIX "A", respecting parking and two-way traffic, be referred to the Downtown Initiatives Committee for review and recommendation.

V. Abraham

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

As part of the City's Sesquicentennial celebrations, the Hamilton Society of Architects organized a design Charrette focusing on downtown Hamilton. A Charrette is a design workshop focusing on solutions to design, architecture, and planning issues. It is intensive and is usually held over a short time frame; in this instance, the Charrette took place over a weekend.

The Charrette included participants from Hamilton and area as well as nationally and internationally renowned architects, planners, and urban designers. The participants were organized into five design teams with each team having a cross-representation from different professions, cities, experience, interests, and political representation.

The Charrette began with lectures and presentations from internationally known city experts and those with expert knowledge on Hamilton's downtown. A walking tour of downtown was held and participants were given background information on downtown.

The teams were given the following guidelines for their work:

Principles

- encouraging an economic and physical environment that will create self sustaining commercial, retail and residential sectors in the downtown core;
- retain and emphasize the downtown as the heart of the Hamilton-Wentworth Region;
- develop and support the multi-functional role of streets and public spaces to provide for a variety of activities and services, including parking, to meet community needs.

Implementation

The teams were invited to develop a strategy to implement the principles; the strategy could include the following elements:

a) Economic:
- Taxation
- Marketing/Economic Development
- Finance/Real Estate

b) Planning:
- Built form and Land Use Objectives
- Policies and Regulations
- Social Impact: Public Amenities, Safety, Accessibility

c) Movement:
- Transit
- Roads/Circulation
- Parking

The five teams each prepared a design solution and written documentation for their solution to the issues facing downtown Hamilton. A map outlining the area in which the participants were to focus their work is attached as APPENDIX "B".

SUMMARY OF RECOMMENDATIONS:

The five teams each presented their vision of downtown Hamilton. The team reports addressed components of the principles and implementation. Taken together, the team reports provide some common ground and some new ideas for downtown Hamilton. The following is a summary of the recommendations arising from the Charrette, grouped according to the areas of implementation outlined in the Charrette report.

Economic

1. Lobby the provincial government for re-evaluation of downtown as a special enterprise zone with property assessment policies on either a market value, actual value or unit value assessment base.

2. Focus on attracting new growth and small scale manufacturing industries to downtown Hamilton (e.g. regional wineries, biomedical firms, telecommunications industries, etc.).

3. Create a "Hamilton Downtown Facilitator" position with an urban design/architectural background operating at arm's length from government bodies responsible for:

   - promoting development opportunities;
   - recruiting tenants;
   - facilitating and encouraging development permit applications;
   - encouraging site regeneration vs. demolition;
   - generating and maintaining an inventory of available space;
   - matching occupancy opportunities with available space;
   - coordinating event based promotions; and,
   - coordinating and managing marketing promotions, etc.

4. Market downtown as a dynamic, environmentally clean and convenient live/work environment focusing on growth/redevelopment potential and telecommunications strength.

5. Together with emerging existing occupancies (education, medical, commercial, retail, institutional, cultural) encourage new occupancies that promote a robust residential population, namely:

   - affordable housing;
   - student accommodation;
   - condominium conversion;
   - home office environments; and,
   - loft conversions.

Planning

1. Create the downtown as a separate neighbourhood for planning purposes.

2. Establish the downtown as a "no zone" zone deregulating zoning and reducing red tape. The "no zone" policy should include:

   - restrictions on land uses to be limited to noxious uses and certain types of industrial uses;
   - development should be controlled through a development permit process and built-form standards such as density, building height, setbacks/build-to lines, parking and servicing requirements;
   - a maximum building height of 6 storeys; and,
   - elimination of all development charges.

3. Develop a series of "green links" as the primary organizing framework for the core connecting existing and proposed streets, parks, cultural facilities and other precincts within the core.

Movement

1. Parking:

   - introduce a parking credit system encouraging businesses to buy parking (or granted by the City to tax paying businesses) as an incentive for their customers;
   - implement a more tolerant parking enforcement policy with warning notice issuance prior to fine enforcement;
   - encourage lower prices for short-term parking;
   - employ new technologies providing parking rights by time and on a broader payment basis (i.e. credit card payment, card accounts); and,
   - reduce the number of parking lots.

2. Return James Street and King Streets to two-way traffic.

COMMENTS:

The Charrette Report was referred to the Planning and Development Committee for consideration. The conclusions from the Charrette report will be reviewed in the following comments section, with specific recommendations, where appropriate.

1. Through the work of City and Regional staff, the Downtown Initiatives Committee (City Staff Committee), and the Founding Board of the Downtown Development Corporation, the following actions have been undertaken and certain actions have already been completed. These actions are consistent with and implement the first five conclusions and recommendations of the Charrette report (see APPENDIX "A" for the list of conclusions). The ongoing actions include:

    - abatement of City and Regional Development Charges for downtown Hamilton;
    - abatement of the 5% Parkland Dedication Charge for downtown Hamilton;
    - refund of permit and development application fees;
    - elimination of parking charges in municipal lots for certain evenings and Saturday (on a trial basis);
    - elimination of parking requirements for residential conversions and new residential construction;
    - removal of restrictions on the construction of dwellings in the "I" (Central Business District) zoning district;
    - convert to rent program;
    - Gore Heritage Design Study;
    - joint funding of a pilot project (with McMaster University and the Region) for a new fibre optic cable in downtown Hamilton; and,
    - examination of the assessment issue by the City's Treasury Department.

2. The conclusions in the Charrette Report are also consistent with the Action Strategy outlined in the report entitled "Strong Medicine: A Prescription for the Heart of Hamilton-Wentworth". "Strong Medicine" was recently endorsed by the Founding Board of the Downtown Development Corporation. The conclusions that are incorporated into "Strong Medicine" are:

    - lobbying for a re-evaluation of the assessment of downtown Hamilton (Conclusion No. 1);
    - attracting new growth and small scale manufacturing industries to downtown (Conclusion No. 2);
    - creation of a "Downtown Facilitator" position (Conclusion No. 3);
    - market downtown for its growth/redevelopment potential (Conclusion No. 4);
    - encouraging new occupancies to promote a robust residential population (Conclusion No. 5).

Although the "Strong Medicine" Report was recently endorsed by the Downtown Development Corporation's Founding Board, staff from both the City and Region, through the City and Regional CAO's, have identified actions that require immediate attention. The first five conclusions from the Charrette report are consistent with the immediate actions being undertaken by staff through the CAO's and the Downtown Initiatives Committee. Therefore, Council can receive these conclusions as their intent and action is contained within other actions being undertaken at the staff level under Council's auspices. For the information of Council, it is intended that the "Strong Medicine" report will be presented to the Councils of the City and Region at the end of January.

3. Currently, the Planning and Development Department is completing a review of the City's Official Plan. The work to date is consistent with the conclusions of the Charrette Report and the Strong Medicine Report in regard to creating a separate downtown neighbourhood and completing a secondary plan for that neighbourhood. It is intended that work on the downtown neighbourhood secondary plan would commence in 1997 and be completed as soon as is reasonably possible. The Central Area Plan Implementation Committee (CAPIC) is working with the Department on this initiative.

   With regard to the "no zone" recommendations and the green linkages, these matters would fall within the issues addressed in the downtown neighbourhood secondary plan. The Planning and Development Department would undertake a complete review of these two issues within the downtown secondary plan. In addition, the potential for establishing a development permit system for the Gore Park Heritage Area is being reviewed as part of the study and its implementation.

4. The issues regarding parking and two-way street traffic will require further evaluation. Rather than refer these two conclusions to specific Departments, it would be appropriate to have the Downtown Initiatives Committee, a composite committee of City staff, oversee the review and implementation of these recommendations. This Committee has members from the affected Departments; it also includes representation from the City's management team. The Committee would be the appropriate means to coordinate the review of these conclusions and forward the appropriate recommendations to Council.

5. Two ad hoc committees have been established as a result of the Charrette. These are the Two-Way Streets Committee (chaired by Ald. F. D'Amico) and the Open Spaces Committee (chaired by John Kenyon). These committees will be reporting on their findings to the Planning and Development Committee.

CONCLUSION:

The Hamilton Society of Architects is to be commended for their hard work, enthusiasm, and commitment to finding positive and meaningful solutions for downtown Hamilton. The conclusions from their report should be taken forward to the next steps for implementation.

MLT/

cc: Members, Downtown Initiatives Committee

CONCLUSION

In celebrating the City of Hamilton's Sesquicentennial Birthday, the Hamilton Society of Architects unanimously agreed the most appropriate gift we could present our city with would be in the area we, as a group of professionals, excel in - namely - in the understanding of how and why cities work.

The purpose of the "Downtown Ideas Charrette" was to bring an understanding to the public why our downtown is in such decline and what steps can be taken to bring a new sustainable life to downtown Hamilton. Public awareness of the issues and solutions are critical to the revitalization of our city-centre, as the main ingredient to the solution is the public's incentive to bring back our city-centre as the heart of our community, reflecting our energy, vibrancy, aspirations and entrepreneurial spirit.

What follows is list of recommendations collected and summarized from the 5 teams by the Charrette Organizing Committe. If these recommendations are realized we as a community can be very hopeful that our "heart" may once again beat with some certainty.

1 Lobby the provincial government for re-evaluation of downtown as a special enterprise zone with property assessment policies on either a market value, actual value or unit value tax assessment base.

2 Focus on attracting new growth and small scale manufacturing industries to downtown Hamilton (regional wineries, biomedical firms, telecommunications industries, etc.).

3 Create a "Hamilton Downtown Facilitator" position with an urban design/architectural background operating at arm's length from government bodies responsible for:

- Promoting development opportunities,
- Recruiting tenants,
- Facilitating and encouraging development permit applications,
- Encouraging site regeneration vs. demolition,
- Generating and maintaining an inventory of available space,
- Matching occupancy opportunities with available space,
- Coordinating event based promotions,
- Coordinating and managing marketing promotions, etc.

4 Market downtown as a dynamic, environmentally clean and convenient live/work environment focussing on growth/redevelopment potential and telecommunications strength.

5. Together with emerging existing occupancies (educations, medical, commercial, retail, institutional, cultural...) encourage new occupancies that promote a robust residential population namely:

- Affordable housing,
- Student accommodation,
- Condominium conversions (ex. Piggott building),
- "H-Offices" (home office environments),
- Loft conversions, etc.

6. Create the Downtown as a separate neighbourhood.

7. Establish the downtown as a "no zone" zone deregulating zoning and reducing red tape. The "no zone" policy should include:

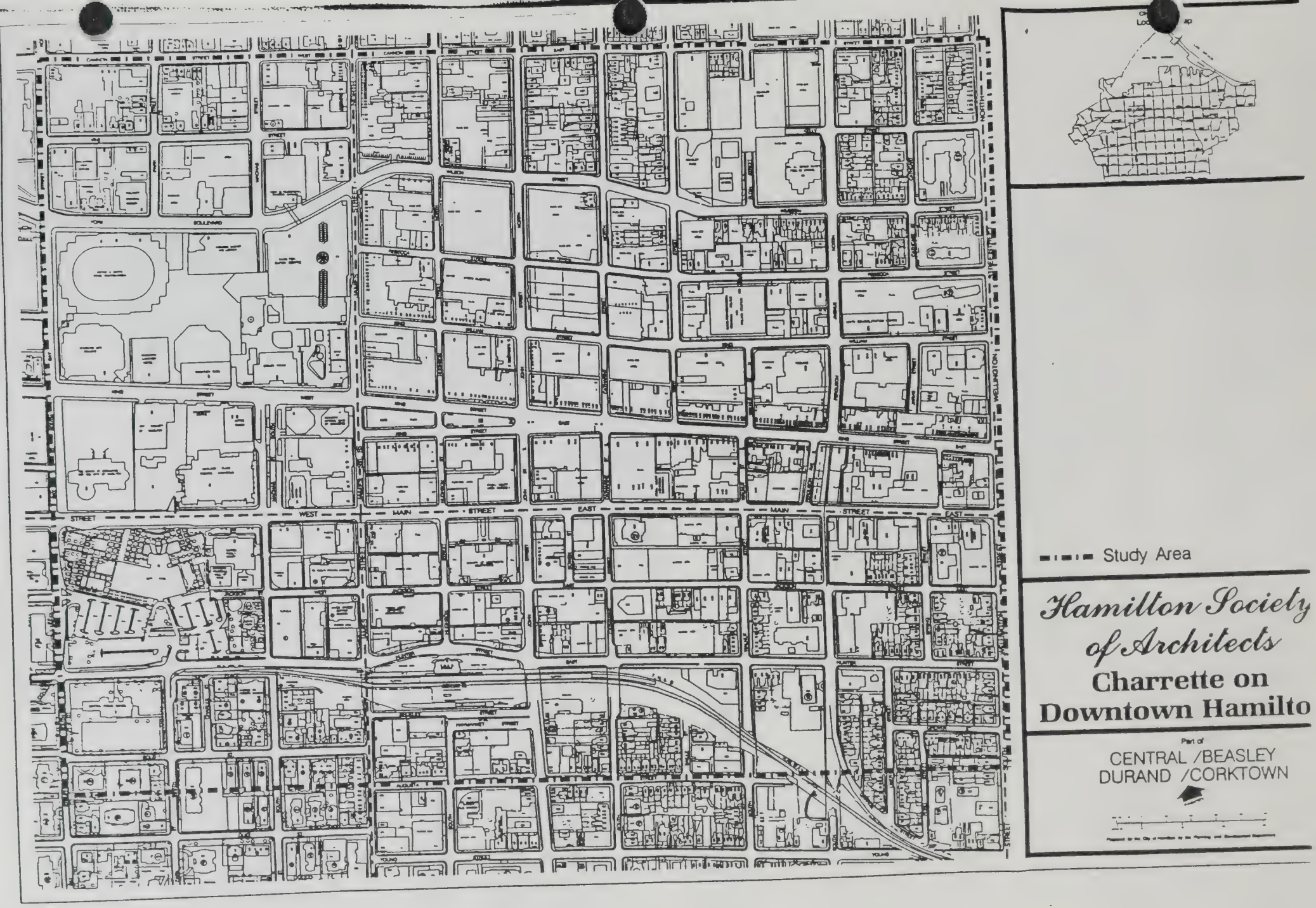
- Restrictions on land uses to be limited to noxious uses and certain types of industrial uses,
- Development should be controlled through a development permit process and built-form standards such as density, building height, setbacks/build-to lines, parking and servicing requirements,
- A maximum building height of 6 storeys,
- Elimination of all development charges.

8. Develop a series of 'green links' as the primary organizing framework for the core connecting existing and proposed streets, parks, cultural facilities and other precincts within the core.

9. Parking

-Introduce a parking credit system encouraging businesses to buy parking (or granted by the City to tax paying businesses) as an incentive for their customers.
-Implement a more tolerant parking enforcement policy with warning notice issuance prior to fine enforcement.
-Encourage lower prices for short-term parking.
-Employ new technologies providing parking rights by time and on a broader payment basis (i.e. credit card payment, card accounts).
-Reduce the number of parking lots.

10. Return James St. And King Streets to two-way traffic.


WEST MAIN STREET
EAST MAIN STREET
Study Area
Hamilton Society of Architects
Charrette on Downtown Hamilto
Part of
CENTRAL /BEASLEY
DURAND /CORKTOWN

4d)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 1 3 1997

DATE: 1997 January 15
(CI 83-B)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed 1997 - Planning Tariff Fees

RECOMMENDATION:

That the Planning Tariff of Fees for 1997 as shown on APPENDIX "B", be forwarded to the Committee of the Whole for approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Approval of the proposed fee increases will not result in additional revenues over that already estimated in the 1997 Budget. More specifically, the 1996 Current Budget included the interim fee adjustments for Planning services as originally approved by Council (see APPENDIX "A" - Items 17) to 29)). However, when Council subsequently referred the interim fee adjustments back to the Planning and Development Committee the revenues were not adjusted to reflect the previous 1994 fees. In this regard, the 1996 revenue base has been maintained for 1997 in anticipation of fee increases.

BACKGROUND:

- On March 2, 1995, a Special City Council Meeting was held to consider the FIRST Report of the Committee of the Whole respecting "Current Budget Update and User Fees".

  "1. That the interim fee adjustments as outlined in Appendix "A", as amended be approved for inclusion in the 1995 Current Budget effective April 3, 1995..."

  Items 17) to 29) inclusive of Appendix "A" set out the proposed "Schedule of User Fees" for planning services (see attached APPENDIX "A").

- On March 22, 1995, the Planning and Development Committee recommended that the Committee of the Whole defer the implementation of interim fee adjustments for planning services. At this same meeting, the Hamilton-Halton Home Builder's Association requested further clarification of the fees and the opportunity to meet with staff to discuss alternate fees.

- On March 23, 1995, the Committee of the Whole referred the interim fee adjustments back to the Planning and Development Committee.

- On April 5, 1995, the Planning and Development Committee deferred the interim fee adjustments for Planning fees, and directed staff "...to continue discussions with the Hamilton-Halton Home Builder's Association regarding the method of collection and amount for planning fees based on a cost recovery principle."

  Subsequently, staff met with representatives of the Association on a few occasions but were unable to reach a consensus on any fee adjustments. Generally, the representative of the Association was concerned about the philosophy of the Corporate Fee Policy, and the application of this policy for **all** City Fees.

COMMENT:

Consistent with the Corporate User Fee Policy, staff has reviewed the current Planning fees and is recommending increases to certain fees and the establishment of new fees, where the provision of services **"Confer a direct and identifiable benefit..."** and **"Consumption of the service is voluntary and discretionary..."**, etc.

In doing so, staff has considered the **"impact of market conditions"** and is not recommending any fee increase for certain development applications (ie. Zoning, Official Plan, Site Plan) at this time, other than a Cost of Living adjustment as they could be viewed as a deterrent to development. In this regard, the current fees for these applications are comparable to those

charged by other municipalities in the Region. In keeping with the procedures of the Corporate User Fee Policy, staff will continue to **"monitor and adjust user fees as required."**

REVISION OF EXISTING FEES

The following is a general description of those services where fee adjustments are recommended:

- **Plan of Subdivision**

  The following table illustrates the fee increases for plans of subdivision as recommended by the consultant in the 1994 "Cost of Service Analysis".

	Current Fee	Consultant Proposed Fee
Simple Application	$ 560	$1,950
Complex Application	$1,020	$2,500

(A simple application is one that conforms to the Neighbourhood Plan and a complex one requires changes to it.)

Comparatively, the fees charged by other municipalities in the Region range from **$1,000 plus $10/lot** to **$2,000 plus $20/lot,** a shown below:

Municipality	Fee
Ancaster	$2,000 plus $20/lot
Dundas	$2,100 plus $20/lot
Flamborough	$2,060 (preliminary $950)
Glanbrook	1,000 plus $10/lot
Stoney Creek	$2,500 plus $250/ha over 4 ha (preliminary $1,000)

In 1995 and 1996, a total of 13 subdivision applications were received (11 complex and 2 simple). With respect to the 11 complex applications, the number of proposed lots ranged from 4 to 119. However, the majority of applications (7) ranged from 17 to 73 lots for a total of 391 and an average of 36 (35.54).

In this regard, if the City was to adopt the prevalent regional fee of $2,000 plus $20/lot the costs would have ranged from a low of $2,080 (4 lots) to a high of $4,380 (119 lots),

or the average of $2,720 (36 lots). Such a fee would be consistent with the fee rates charged by area municipalities, and with the recommendation of the consultant.

With respect to simple applications, it has been the City's practise to charge half the complex fee. In this regard, the fee for simple applications would be $1,000 plus $10/lot. For the two simple applications, the fee would have been $1,220 (22 lots) and $1,730 (73 lots). Although this is lower than the consultant's recommendation, it maintains Council philosophy and provides for greater cost recovery.

In addition to lots, most plans contain Blocks that are identified for townhouses, multiple dwellings, commercial development, etc. which require review and should also be assessed a fee. Accordingly, it is suggested that the Regional fee of $150 per Block be adopted. However, the fee should be set at $75 for Simple Applications.

Furthermore, the Department is required to maintain files which have little or no activity. Such applications have to be filed, reviewed and updated for monthly and annual reports. Consistent with Regional practise, it is suggested that an annual Administration Fee of $200 be charged for files over five years old.

CONCLUSION:

That the fees for subdivision applications be set as follows:

Simple Applications	$1,000 plus $10/lot and $75/block
Complex Applications	$2,000 plus $20/lot and $150/block
Administration Fee for Files over 5 Years Old	$200

- **Condominium Applications**

The current fee for Condominium Applications is $560, whereas in the 1994 "Cost of Service Analysis" the consultant recommended increasing the fee to $1,400.

Comparatively, the fees charged by other municipalities in the Region range from $775 to $2,000 plus $20/unit, as shown below:

Municipality	**Fee**
Ancaster	$2,000 plus $20/unit
Dundas	$775
Flamborough	$855

Glanbrook	$1,000 plus $10/lot
Stoney Creek	$935

Two (2) applications were submitted in 1995, one for 10 units and the other for 33 units. Utilization of the fee per lot as charged by Ancaster and Glanbrook would have resulted in fees of $1,100 and $2,200 for 10 units, and $1,330 and $2,660 for 33 units.

Establishment of a base fee with an additional charge per unit would be consistent with the approach recommended for subdivision. In this regard, the fee of $1,000 plus $10/unit would be appropriate as it most closely approximates the recommended fee of the consultant, and is consistent with the fee charged by area municipalities.

With respect to condominium conversions, the current fee is $1,000 plus $20 per unit (max. 40 units - $800). To be consistent with the recommended fee for 'new building' it is suggested that the unit fee be reduced from $20 to $10, however the maximum unit fee of $800 (40 units) should be eliminated. This would allow for overall balancing of the fee.

CONCLUSION:

That the fee for Condominium Applications be increased to **$1,000 plus $10 per unit,** and the Phase I fee for Condominium Conversions be changed to **$1,000 plus $10 per unit.**

- **Revision of Subdivision/Condominium**

A fee of $355 is charged for a revision to an approved subdivision or condominium, whereas the consultant had recommended an increase to $750.

These applications have to be recirculated, responses are monitored and reviewed, report prepared, etc. Comparatively, the Region has a fee of $800 for revisions.

CONCLUSION:

That the fee for Revision of Subdivisions/Condominium be increased to **$750.**

- **Part Lot Control**

A fee of $305 is charged for Part Lot Control, whereas the consultant had recommended an increase of $360.

Comparatively, the fees charged by other municipalities in the Region are as follows:

Municipality	Fee
Ancaster	$100 (no extension fee)
Flamborough	$630 (no extension fee)
Stoney Creek	$700 (plus a $250 fee for an extension)

These applications require circularization, review of comments, report preparation, by-law preparation, etc. The consultant's recommended fee is below the area average.

The Part Lot Control By-law has a 90 day effective period. Owners are required to apply to the City for an extension, if warranted. This extension requires Council to pass a new by-law. As such, additional work has been incurred by the City and therefore, an extension fee should be introduced.

CONCLUSION:

That the fee for Part Lot Control be increased to **$500** and an extension fee of **$250** be established.

- **Rental Housing Protection Act:**

The User Fee Study suggested the fees for RHPA applications:

- be combined into one lump sum fee compared to the existing two phase fee (initial application and post Council adoption); and,

- be increased from $1,000 plus $20 per unit (phase 1) and $250 (phase 2) to $6,300.

Processing of the RHPA applications is complex and involves the following steps: circularization of the application, analysis, tenant information meeting(s), preparation of the report, public meeting notification, circularization of offers, preparation of agreements and Certificate of Approval, registration of agreement(s), etc.

Over the last year, the Department has received several applications and the procedures required to process them have changed considerably. On this basis, staff is recommending a revised fee schedule that will more accurately reflect the cost of the application.

The fee should be split into two phases - prior to Council adoption and after Council adoption. The proposed phasing of the fees is consistent with the fees for the Official Plan and Zoning. If the application is denied, then the second phase of the fee is not required.

The cost of processing RHPA applications for condominium conversions is very costly since the City is responsible for sending out the offers for all the tenants by registered mail, etc. The $20 per unit cost would apply to all those applications where individual agreements with tenants are necessary. In our experience individual agreements are generally for condominium conversions.

Similar to the routine Zoning Application, severance applications under the Act are less complicated and therefore, less time consuming. On this basis, the fee for such applications should be less.

CONCLUSIONS:

1) The Rental Housing Protection Act Application Fee for:

- condominium conversion;
- co-op conversion;
- conversion to and from care homes (residential care facilities);
- demolition;
- conversion to another use other than a rental property; and,
- renovated or repaired.

be divided into two phases, as follows:

• Phase 1 (Initial Application Fee):	$4,300
• Phase 2 (After Council Adoption):	$2,000 plus $20 for each unit (where individual agreements are necessary)

2) There should be a separate lump sum fee for Severance applications - $3,000.

- **Property Reports and Change of Municipal Number**

The current fee for Property Reports is $40, whereas in the 1994 "Cost of Service Analysis" the consultant recommended increasing the fee to $80 which is the same fee charged by the Building Department.

In addition to Property Reports, the Planning and Development Department receives approximately 40 requests a year for street number changes and/or additional tenant addresses. Presently no fee is charged for this service which involves a search of area street numbers, written notification to the applicant and affected agencies/departments, corrections to base maps. etc. Accordingly, it would be appropriate to introduce a fee requirement for this service consistent with that charged for Property Reports (ie. $80).

CONCLUSION:

That the fee for Property Reports be increased to **$80,** and a new fee for Change of Municipal Number and Additional Tenant Addresses be set at **$80.**

- **Street Name Change**

A fee of $3,700 is charged for an application for Street Name Change, whereas the consultant recommended an increase to $4,155.

These applications require circularization, review of comments, preparation of report, extensive public notice (e.g. 4 times in newspaper and notices to owners), by-law registration, new street signs, etc. Comparatively, the Region has a fee of $3,800. Accordingly, the consultant's recommended fee is not out of line.

CONCLUSION:

That the fee for Street Name Changes be increased to **$4,155.**

NEW FEES

The following is a general description of those services where new fees should be established:

- **Preliminary Review of Site Plans**

As identified in the following table, the Department has been expending a considerable amount of time in reviewing Preliminary Site Plans:

Year	No. of Preliminary Plans Reviewed	No. of Applications Received
1996	228	38
1995	233	38
1994	130	33

Although there is a benefit in reviewing preliminary plans by reducing the processing time once a formal application is submitted, the ratio between preliminary plans reviewed and applications received does not justify the time expended by staff. In order to derive the greatest benefit from preliminary plan review, it is suggested that a new fee be introduced equivalent to the application fee for a Site Plan Amendment, which would be credited towards the full application fee at the time a formal application is submitted. This is consistent with the practise of the Town of Flamborough and Stoney Creek with respect to the preliminary review of plans of subdivision.

CONCLUSION:

That a new fee of **$420** be set for Review of Preliminary Site Plans, which is to be credited towards the full fee at the time an application is submitted for Site Plan Approval.

- **Requests for Exemption From Site Plan Approval**

The Department receives approximately 24-36 requests a year for exemption from Site Plan Approval. These requests require circularization, review of comments and plans, and written notification to the applicant. This process is similar to that for Property Reports and Street Number Changes (ie. $80 fee recommended).

Accordingly, it would be appropriate to introduce a new fee to offset the costs associated with processing such requests (ie. $80). In those instances where an exemption is not granted, the fee could be credited towards the full fee when an application for Site Plan Approval or Revision is submitted.

CONCLUSION:

That a new fee of **$80** be set for Requests for Exemption from Site Plan Approval. Where an exemption is not granted, the fee is to be credited towards the fee for Site Plan Approval or Revision.

RECOMMENDATION:

That the Planning Tariff of Fees for 1997 be set in accordance with the "1997 FEE" as shown on APPENDIX "B".

cc. Allan Ross
Treasurer

Len King
Building Commissioner

APPENDIX A

Appendix "A" referred to in Section 1 of the FIRST Report of the Committee of the Whole for 1995

1995 March 2

SCHEDULE OF USER FEES

Item No.	Department	1994 Fee	1995 Fee
	Traffic		
12)	Private Parking Lot Inspections	48.33	60.00 *
	** and increased by the rate of inflation annually*		
13)	On–Street Parking Permits – Reserved	12.00	24.00
	(except for On–Street Disabled spaces where there will be no charge)		
	Treasury		
14)	N.S.F. Cheque Fee	17.00	25.00
15)	Tax Registration		
	– First Year	615.00	615.00
	– Second Year	0.00	400.00
		615.00	1,015.00
16)	Extension Agreement	0.00	150.00
	Planning		
17)	Rezoning – Routine	865.00	Full Cost
	– Complex – Phase 1	1,120.00	Full Cost
	– Complex – Phase 2	610.00	Full Cost
	(does not include 1– and 2–family residential which remains at 1994 levels)		
18)	Official Plan Act – Phase 1	1,120.00	1,950.00
19)	Official Plan Act – Phase 2	610.00	1,925.00

SCHEDULE OF USER FEES

Item No.	Department	1994 Fee	1995 Fee
	Planning		
20)	Site Plan Control	1,020.00	2,040.00
	Site Plan Amendment	410.00	810.00
21)	Subdivision – Simple	560.00	1,950.00
22)	Subdivision – Complex	1,020.00	2,500.00
23)	Condos	560.00	1,400.00
24)	Revision to Subdivisions /Condos	355.00	750.00
25)	Part Lot Control	300.00	360.00
26)	Street Name Change	3,700.00	4,155.00
27)	Property Report	40.00	80.00
28)	Rental Housing Protection Act		
	– Phase 1	1,000.00	Full Cost
	– Phase 2	250.00	Full Cost
29)	OMB Hearing	Varies	Referred to P & D
	Roads Department		
30)	Simple MSA (Modified Subdivision Agreement)	0.00	Referred to Management Team
31)	Complex MSA (Modified Subdivision Agreement)	0.00	2,000.00 + 100/lot
32)	Phase 2 Subdivisions	0.00	3,000.00 + 100/lot

PLANNING AND DEVELOPMENT DEPARTMENT FEES

	SERVICE	CURRENT FEE	CONSULTANT RECOMMENDED FEE	1997 FEE	FEE INCREASE
1	Rezoning				
	- Routine	$865	$1,300	$885	$20
	- Complex -Phase 1	$1,120	$1,680	$1,145	$25
	- Complex - Phase 2	$610	$915	$625	$15
2	Official Plan Amendment				
	- Phase 1	$1,120	$1,950	$1,145	$25
	- Phase 2	$610	$1,925	$625	$15
3	Site Plan Control				
	- applications	$1,120	$2,040	$1,140	$20
	- revisions to plans	$410	n/a	$420	$10
	- preliminary review	n/a	n/a	$420	NEW
	- exemption requests	n/a	n/a	$80	NEW
4	Plans of subdivision				
	- simple	$560	$1,950	$1000 plus $10 lot & $75 block	$440
	- complex	$1,020	$2,500	$2,000 plus $20 lot & $150 block	$980
	- administration of files over 5 years	n/a	n/a	$200	NEW
	- revisions	$355	$750	$750	$395
5	Plan of Condominium				
	- new buildings	$560	$1,400	$1,000 plus $10 unit	$440
	- Conversion - Phase 1	$1000 plus$20 unit (max. $800)	n/a	$1,000 plus $10 unit	$0
	- Conversion - Phase 2	$250	n/a	$250	$0
	- revisions	$355	$750	$750	$395

PLANNING AND DEVELOPMENT DEPARTMENT FEES

	SERVICE	CURRENT FEE	CONSULTANT RECOMMENDED FEE	1997 FEE	FEE INCREASE
6	Part Lot Control				
	- applications	$300	$360	$500	$200
	- extensions	n/a	n/a	$250	NEW
7	Rental Housing Protection Act Applications (except severance RHPA)				
	- Phase 1	$1000 plus$20 unit (max. $800)	$6,298	$4,300	$3,000
	- Phase 2	$250	n/a	$2,000 plus 20 unit for condo conversion	$1,750
	- Severance	n/a	n/a	$3,000	NEW
8	Property Reports	$40	$80	$80	$40
9	Municipal Numbers	n/a	n/a	$80	NEW
10	Street Name Change	$3,700	$4,155	$4,155	$455

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 January 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Sesquicentennial Banners.

RECOMMENDATION:

1. That the Public Works and Traffic Department be authorized to sell the sesquicentennial banners through a sealed bid;

2. That the revenue derived through the selling of the banners be credited to the account utilized to purchase same (Account Number CF 5698 428705099 - the Commercial Improvement Program).



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

102 Sesquicentennial banners were purchased in 1996 at a cost of $9,143.53 ($89.64 per banner) and installed on Main Street West from Dundurn Avenue to James Street. The cost to remove and clean the banners is estimated at $1,500. The Commercial Improvement Program Account Number CF 5698-428705099 was utilized to purchase the banners and will be utilized to remove and clean same.

The Purchasing Policy states that surplus goods can be sold either through i) an auction or, ii) through a sealed bid.

BACKGROUND:

City Council at its meeting held 1996 February 13, authorized the Public Works and Traffic Department to install Sesquicentennial banners along Main Street West between Highway #403 and James Street. Subsequently 102 banners were purchased and installed.

There are other interests for the banners as follows:

- Sesquicentennial Inc. has advised that it would like to sell the banners to interested parties as a legacy/memorabilia of the Sesquicentennial. They have indicated that a lot of interest has been demonstrated to purchase the banners for these reasons. The proceeds of the sale of the banners would go to the following: The Gore Park Fountain Fund, Theatre Aquarius, the Hamilton Community Foundation and, the area Health Care Centres. Therefore, Sesquicentennial Inc. would like the banners to be donated to its cause. They propose to sell the banners for approximately $20-$25 dollars each.

- The Locke Street Association is interested in the donation of 40 banners for the purpose of re-screening same and installing along the 40 poles within its boundaries.

- Hamilton's seven B.I.A.'s have indicated their interest in having one or 2 banners each for memorabilia purposes.

DL:HM:hm

P&DSesqui.Banners

6.

CITY COUNCIL
HAMILTON, CANADA

Alderman Mary Kiss

71 MAIN STREET WEST L8N 3T4 • (905) 546-4528 • RES. (905) 525-5932 - WARD 1

DEC 18 1996

18 December 1996

Memo to: Alderman Don Drury, Chairman, Planning & Development Committee

From: Alderman Mary Kiss, Ward 1

I am requesting that the following properties be put on the agenda of the next Planning & Development Committee meeting:

1. 33 Clifford
2. 102 Ainslie
3. 1516 Main Street West
4. 60 Newton
5. 73 Holmes

Thank you.

MK:sn

c.c. Mrs. Tina Agnello, Secretary, Planning & Development Committee

7.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 January 22
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 December 4

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

a) Concession Street B.I.A., Alleyway Lighting - Commercial Improvement Program

b) Crown Point East/McAnulty Neighbourhood Revitalization - Fund Raising

C. BUILDING COMMISSIONER

a) Canadian Mental Health Association - Joint Rehabilitation Loan Program

b) Street Festival Component - Barton Street Revitalization Program

c) 152 Simcoe Street East - Demolition

d) 327 Hixon Road - Hamilton Emergency Loan Program

D. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Request for a two year extension for the approval of Site Plan Control Application DA-93-32 for a parking area and addition to the existing building at 121 Highway No. 8.

b) Part Lot Control Application 96-03 "Rymal Square Estates"

c) Part Lot Control Application 96-01 "Allison Estates - Phase 1, Stage 2" - Request for Extension.

d) City Initiative 96-J, Parking Standards for Single Detached Dwellings - Request for Authorization to Hold a Public Meeting.

e) Official Plan Amendment No. 66 - City of Stoney Creek Request for Deferral - Cardinal Newman High School Site.

f) Amendment to Site Plan Control By-Law 79-275 to incorporate lands at 130-136 Kenilworth Avenue North (DA-96-23).

g) Authorization for Staff Attendance at an Ontario Municipal Board Hearing respecting no. 85 Mountain Avenue (B-96-6).

h) "Bar-Brock Estates - Phase 4", "Eagleview Estates - Phase 1", Hamilton, Cash Payment in Lieu of 5% Parkland Dedication.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A.

Wednesday, 1996 December 4
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Alderman G. Copps Alderman W. McCulloch Alderman F. Eisenberger Alderman M. Caplan Alderman B. Charters Alderman H. Merling
Also Present:	Joe Pavelka, C.A.O. Victor Abraham, Director of Local Planning Bill Janssen, Planning Department Joanne Hickey-Evans, Planning Department Mary Lou Tanner, Planning Department Caroline Floroff, Planning Department Eugene Chajka, Regional Environment Department Willie Wong, Building Department Larry Harvey, Building Department Roland Karl, Public Works and Traffic Patrice Noé Johnson, City Solicitor Geoff Aston, Transportation and Environmental Services Tina Agnello, Secretary

PUBLIC MEETINGS

1. Conversion to Condominium, 914 Mohawk Road East, CD-96-002.

Mary Lou Tanner stated that the applicant proposes to establish a plan of condominium to convert 16 rental row houses to condo units. She stated that there are 2 issues. The pricing of the units are presently $591. per month, which is 14% lower than the average for the City, and the conversion to condo would reduce the stock of row house rental units by 7%. Therefore, the Planning recommendation is proposing that the lease to existing tenants be increased from 5 years to 7 years for the existing tenants.

The applicant was present and in support of the recommendation.

Carl Fager of Unit #2 was present and in favour of the proposal. He said he is happy to have the opportunity to purchase.

The resident at Unit #11 was concerned that a purchase price has not been set. Mary Lou Tanner explained that the tenants have been told that the units would be in the $60,000. to $70,000. range and that an independent appraisal will be conducted of each unit at the time of sale, therefore, the price may be more or less that which is estimated presently.

Chris Watson of Unit #16 was present. He stated that he is in support of the application and is happy that the tenants can have a 7 year lease or option to purchase.

The applicant stated once again that the $60,000. to $70,000. range is a range which has been set at current prices. The price when sold is to be determined by a third party appraiser.

Alderman Copps suggested that there be a maximum cap on the costs.

As recommended in a report from the Director of Planning and Development dated 1996 November 25, the Committee recommended to Council as follows:

(a) That approval be given to Application CD-96-002, under the Rental Housing Protection Act, Jose da Silva, owner, for conversion of 16 rental row houses to condominium units for the property located at 914 Mohawk Road East, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in APPENDIX "A", for a period of not less than seven years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in APPENDIX "A", upon the following minimum terms:

1. the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent;

2. the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the Rental Housing Protection Act application, immediately following the expiration of the appeal period of the Council approval;

3. that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement;

4. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

5. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

6. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in APPENDIX "A" an Option to Purchase a Unit specified in APPENDIX "A", (together with appurtenant interests). Such Option shall allow each tenant at least seven years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;

(iii) 1. That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

2. That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,

3. That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in APPENDICES "A", "B" and "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

*** ALDERMAN COPPS OPPOSED.**

2. **Draft Plan of Subdivision SAC-96-03, by Gus & Mike Holdings Ltd., owner, for lands located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street.**

As recommended in a report from the Director of Planning and Development dated 1996 November 26, the Committee recommended to Council as follows:

(a) That approval be given to application SAC-96-03 (Regional File No. 25T-96007), Gus and Mike Holdings, owner, to establish a draft plan of subdivision "Orchards North Addition", for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, comprising of 6 lots for single detached dwellings and 18 blocks to be developed in conjunction with the addition draft approved plans of subdivision, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke, O.L.S., dated September 24, 1996, showing 6 lots for single detached dwellings, 18 blocks to be developed in conjunction with adjacent lands (Blocks 11 - 29 inclusive), and to establish the extension of Annabelle Street and Chesley Street (see attached APPENDIX "D");

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(v) That the final plan conform with the Zoning By-law approved under the Planning Act;

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(vii) That the proposed plan of Subdivision not be registered until the holding provision in the Zoning By-law has been removed;

(viii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;

(ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(x) That Blocks 7 - 21 inclusive must be developed in conjunction with the adjacent lands;

(xi) That the lot layout on the draft plan be revised to correspond to the Gourley Neighbourhood Approved Plan.

(xii) That Lots 1 and 2 not be developed until Chesley Street is established and constructed to the south limit of the subject lands.

(xiii) That the owner acquire the necessary lands to establish the road allowance adjacent to Lots 3 and 4 to its full width of 20.0m and that these lands be dedicated to the City of Hamilton as public highway.

(xiv) That Lots 3 to 5 inclusive, not be developed until the external public street access ("Future Street") is provided through the lands to the north ("Fontana Gardens") or southerly to Chester Avenue.

(xv) That Lot 6 not be developed until Annabelle Street is established and constructed to the south limits of the subject lands.

(xvi) That the final alignment of the reverse curve adjacent to Lots 3, 4, 5 and Blocks 15, 17 and 18 on the "Future Street" be established with a centreline radius of 200m and separated by a tangent of 30m.

(xvii) That the owner establish 0.30m reserves at the dead ends and open sides of all road allowances created by this plan of subdivision.

(xviii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

(xix) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton;

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-96007), Gus and Mike Holdings, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

3. **Zoning Application 96-05 and Draft Plan of Subdivision SAC-96-01 "Olmsted Park", by Paul Silvestri, owner, for changes in zoning for lands located at 177 Rymal Road East and 1684 Upper Wellington Street.**

Joanne Hickey-Evans stated that the applicant proposes to create 14 single lots, one block of multiple dwellings and one block of urban residential "C" District units. She stated that the sub-division which is proposed, implements terms of the neighbourhood plan as approved. Therefore, staff recommends approval.

Of 48 notices circulated, 2 replied in favour and 4 opposed.

The applicant was present and was in favour of the recommendation.

Sergio Manchia, on behalf of DiCenzo Construction Limited was present. He stated that there is a concern regarding a triangular piece at the north-west corner. This will become a remnant piece of land if it is not incorporated into a plan. He requested that the proposal either be denied or deferred to another meeting so that the matter can be dealt with. With regard to size, he stated that the parcel is more than 1/2 and acre in size and that this parcel is not presently designated.

Marshall Bethune of 176 Rymal Road East was present. He felt that the townhouses would create more traffic and depreciate property.

Terry Johns, on behalf of the applicant stated that in September of 1996, DiCenzo's lawyer sent a letter with concerns, which the applicant has tried to address. She stated that the present plan allows the triangle to be incorporated once there is land amalgamation. She stated that there was another letter from DiCenzo the week prior to the meeting and they have tried to meet with him but have been unsuccessful.

Following discussion, the Committee resolved that the matter be tabled to the meeting of 1997 January 22, in order to allow the two property owners to resolve their concerns.

4. **Zoning Application 96-12, by 583783 Ontario Incorporated, owner, for modifications in zoning for lands located at 10 Herkimer Street and 9 and 11 Charlton Avenue West.**

Joanne Hickey-Evans explained that this property has been the subject of various applications to increase density over the years. She stated that the application represents an overtensification of land use. There is inadequate parking. It undermines the intent

and purpose of the Residential Care Facilities By-law. There is also a possibility that servicing may be substandard. There are several other care facilities within the 180 metres restricted separation area.

Of 764 notices circulated, 55 were in favour, 10 were opposed and 3 were undecided.

Mr. Victor Palla, Architect, was present on behalf of the applicant. He stated that the Durand Neighbourhood Association has indicated no opposition to the expansion. He stated that the demand now has been different from that previously and that is why this application is presently before the Committee. He stated that the density is only being increased by 7 people and that the maximum staffing increase will be 2 people per shift.

Alderman McCulloch stated that he has never seen the parking lot filled. There is no objection from the neighbourhood and there has never been a complaint registered from neighbourhood residents. There are a large number of elderly residents in this Ward and he stated that it is a first class facility.

Alderman Copps objected, since the density will be 3 1/2 times what is normally permitted.

Alderman Eisenberger concurred with Alderman McCulloch, but he was concerned with undermining the integrity of the Residential Care Facilities By-law to which Joanne Hickey-Evans replied that each application can be determined on its own merits.

Following a brief discussion, the report was tabled to the meeting of 1997 January 22, pending identification of all the necessary minor variances.

5. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Response to General Text Amendment to Zoning By-Law No. 6593 proposal - 195 Ferguson Avenue North (Wesley Urban Ministries)

The Committee was in receipt of an information report from the Director of Planning and Development dated 1996 November 26.

The Committee suspended the rules in order to allow an unscheduled delegation to speak.

John Ariens, Linda Lankston and Dr. Richard Allan were present on behalf of the Wesley Urban Ministries.

John Ariens stated that he is disappointed with the report since he would like the matter dealt with as a General Text Amendment. Dr. Allan stated that it would be preferable to wait for the General Text Amendment.

Alderman Eisenberger stated that it will take a great deal of time to deal with a General Text Amendment. Joanne Hickey-Evans stated that it would take 6 months to 1 year.

Alderman McCulloch stated that the Ward Aldermen have not received complaints. That the complaints were directed to Alderman Caplan. Alderman Caplan advised that management should try to solve some of the residents concerns.

Alderman Copps stated that the problem should be dealt with at this particular property, therefore, the solution should be a site specific amendment.

In response to a question from the Committee, Larry Harvey advised that the order is presently being held in abeyance.

In response to another question from the Committee, the City Solicitor advised that residents have the right to file a Private Information if the City chooses to do nothing.

Following discussion, the Committee resolved:

> That they concur with the information report that the matter be dealt with as a site specific amendment and not a General Text Amendment and that either an application for amendment be submitted or that the outstanding order on the property be enforced.

(b) Resurrection of the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee

Upon the request of Alderman Kiss, the Committee moved to table this matter.

(c) CI-91-I, Mobile Signs Working Committee - Status Report

The Committee was in receipt of an information report from the Director of Planning and Development dated 1996 November 25.

Caroline Floroff advised that the 5th meeting of the Working Committee is being held this week.

With regard to the draft by-law, Ms. Floroff advised that the Law Department wishes to remove the prohibition of Third Party Sign.

Marty Hazell advised that the jurisdiction of the City is on the road allowance. 330 signs have been moved voluntarily. 30 signs have been removed and stored by City staff. Businesses are aware that the City has contracted out to remove the signs.

Victor Abraham stated that the Building Department has completed the inventory, therefore if the by-law is not passed, the inventory must be done once again in the new year.

The City Solicitor advised that the prohibition of Third Party Signs has been removed due to legal arguments with regard to freedom of speech. She said that you cannot control the content of the signs.

Alderman Merling stated that the by-law must passed or enforcement will be impossible.

Victor Abraham advised that if the by-law is passed, it can later be amended to reflect any changes which the Committee may determine necessary.

Following a brief discussion, the Committee resolved:

> That the By-Law to Regulate Mobile Signs on Private Property as presented to the Planning and Development Committee on 1996 July 3, be approved as amended to delete prohibition of third party signs.

6. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton Street Revitalization, Streetscaping - Burial of Overhead Wires (second report)

Hazel Milsome was present. She stated that burying the lines will allow the City to green the area. It will also have an economic impact on Barton Street, not on its own, but along with other programs which are being implemented in the area. She said that should the recommendation be approved as is, the province must be approached to request an extension of the program.

Following a brief discussion, the Committee resolved that Option C be approved and recommended to Council as follows:

(a) That, staff from the Public Works and Traffic Department be directed to implement centre boulevards and limited sidewalk widenings on Barton Street between Leeming Street and East Avenue North at a total cost of $230,000, the capital cost of which is funded 100% through Provincial monies, while the current budget impact is estimated at +$35,000 and has been forwarded to Management Team's Capital Budget Sub-Committee for consideration in the 1997-2006 Capital Budget Submission.

(b) That, staff from the Public Works and Traffic Department be directed to proceed with detailed drawings for tender purposes as well as seek approval from the Transportation Services Committee for the realignment of Barton Street within the project area, since Barton Street is a Regional Road.

*** ALDERMAN COPPS AND ALDERMAN EISENBERGER OPPOSED.**

7. CITY SOLICITOR

OMB Hearing, 280 Weir Street North - Rental Housing Protection Act Application CU-93-001 and Zoning Application 93-32

As recommended in the report dated 1996 November 26 the Planning and Development Committee resolved as follows:

That the City Treasurer recommend to the Finance and Administration Committee a source of funding for an upset limit of Ten Thousand Dollars to complete the Ontario Municipal Board hearing concerning Rental Housing Protection Act Application CU-93-001 and Zoning Application 93-32.

8. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The Minutes of the meeting held 1996 November 20 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) Concession Street B.I.A. Proposed Budget and Schedule of Payments for 1997 - dated 1996 November 21:

(i) That the 1997 operating budget of the Concession Street B.I.A. (attached as APPENDIX "E") be approved in the amount of ten thousand, one hundred dollars $10,100; and,

(ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (1) above; and,

(iii) That the following Schedule of Payments for 1997 be approved.

January 01	$2,525
March 01	$2,525
June 01	$2,525
September 01	$2,525

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

(b) Lot Grading, Almas Gardens - Phase 5, Hamilton - dated 1996 November 21:

(i) That the City of Hamilton accept the lot grading for Lot 13, #26 Caswell Drive, Almas Gardens - Phase 5, Registered Plan No. 62M-611, and that the subdivider, DiCenzo Construction Co. Ltd. and Sunshine Homes Inc. be relieved of any further obligations under Section VIII of the City of Hamilton Subdivision Agreement for Almas Gardens - Phase 5.

(ii) That the City Treasurer be authorized and directed to release the balance of $20,000 being held as a security for the lot grading in Almas Gardens - Phase 5.

(c) Ottawa Street Revised Board of Management - dated 1996 November 28:

(i) That Schedule "B" of By-law No.96-195 appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

Gord Culshaw	Culshaw Cakes
Mary Keir	Surplus Plus
John Gut	Textile Centre
Tony Bifano	Anton Video
Greta Munt	Greta's Flair
Rosemary Young	Wentworth Paints
Daniel Kwiatkowski	Beach Road Meats
Toby Yull	Toby's Interior Design

(ii) That the City Solicitor be authorized and directed to amend By-law No.96-195 pursuant to (1.) above.

C. BUILDING COMMISSIONER

(a) 571 Upper Kenilworth Ave - demolition - dated 1996 November 13:

That the Building Commissioner be authorized to issue a demolition permit for 571 Kenilworth Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(b) 56 Crosthwaite Ave N - demolition - dated 1996 November 21:

That the Building Commissioner be authorized to issue a demolition permit for 56 Crosthwaite Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

Removal of Holding Provision - 1425 to 1429 Upper James Street - 1996 November 28:

(a) That approval be given to Zoning Application ZAR-94-28, 859778 Ontario Inc. (D. Carnicelli), owner, requesting removal of the "H" - Holding provision under Section 36 of the Planning Act to permit commercial development, for property located at No. 1425 and 1429 Upper James Street, as shown on the attached map marked as APPENDIX "F". The "H" - Holding provision was placed on the subject lands until such time as the applicant/owner applies for and receives approval of a Site Plan Control application incorporating the subject lands with the lands to the south and east.

(b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 91-175, and Zoning District Map E-9C and E-9D, in a form satisfactory to the City Solicitor, for presentation to City Council.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee acknowledged the following item for information which was received under a separate cover.

(a) Director of Planning and Development re: Site Plan for Approval, dated 1996 November 22.

9. OTHER BUSINESS

(a) Alderman Charters gave an update with a meeting he had with Sheila Copps, with regard to the Hamilton Harbour.

The City Solicitor advised that she will provide the Committee with an information update on any matters pertaining to the Hamilton Harbour Commission.

(b) Alderman Copps requested that Rendering Plant issue come back to the Committee, to which Joanne Hickey-Evans advised that the matter would come back in late January or early February of 1997.

10. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Alderman D. Drury, Chairman
Planning and Development Committee

Tina Agnello
Secretary
/br

Appendix "A" as referred to in Section 1. (a)(i) of the Planning and Development Committee Minutes dated 1996 December 4.

MONTHLY RENTAL CHARGES AS OF JULY 22, 1996

914 Mohawk Road East

Unit 01
914 Mohawk Road East
Unit 01
Hamilton, Ontario
L8T 2R8

Rent: $598.00

Unit 02
914 Mohawk Road East
Unit 02
Hamilton, Ontario
L8T 2R8

Rent: $584.00

Unit 03
914 Mohawk Road East
Unit 03
Hamilton, Ontario
L8T 2R8

Rent: $611.00

Unit 04
914 Mohawk Road East
Unit 04
Hamilton, Ontario
L8T 2R8

Rent: $584.00

Unit 05
914 Mohawk Road East
Unit 05
Hamilton, Ontario
L8T 2R8

Rent: $598.00

Unit 06
914 Mohawk Road East
Unit 06
Hamilton, Ontario
L8T 2R8

Rent: $598.00

Unit 07
914 Mohawk Road East
Unit 07
Hamilton, Ontario
L8T 2R8

Rent: $598.00

Unit 08
914 Mohawk Road East
Unit 08
Hamilton, Ontario
L8T 2R8

Rent: $578.00

Unit 09
914 Mohawk Road East
Unit 09
Hamilton, Ontario
L8T 2R8

Rent: $590.00

Unit 10
914 Mohawk Road East
Unit 10
Hamilton, Ontario
L8T 2R8

Rent: $598.00

Unit 11
914 Mohawk Road East
Unit 11
Hamilton, Ontario
L8T 2R8

Rent: $561.00

Unit 12
914 Mohawk Road East
Unit 12
Hamilton, Ontario
L8T 2R8

Rent: $598.00

Unit 14
914 Mohawk Road East
Unit 14
Hamilton, Ontario
L8T 2R8

Rent: $590.00

Unit 15
914 Mohawk Road East
Unit 15
Hamilton, Ontario
L8T 2R8

Rent: $584.00

Unit 16	914 Mohawk Road East Unit 16 Hamilton, Ontario L8T 2R8 Rent: $590.00
Unit 17	914 Mohawk Road East Unit 17 Hamilton, Ontario L8T 2R8 Rent: $598.00

Appendix "B" as referred to in
Section 1. (a) (v) of the Planning and
Development Committee Minutes
dated 1996 December 4.

The Agreement of Purchase and Sale shall provide:

(a) that the sale shall be competed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less:

i) $3,500.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to the date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

Appendix "C" as referred to in Section 1. (a) (v) of the Planning and Development Committee Minutes dated 1996 December 4.

APPENDIX "C"

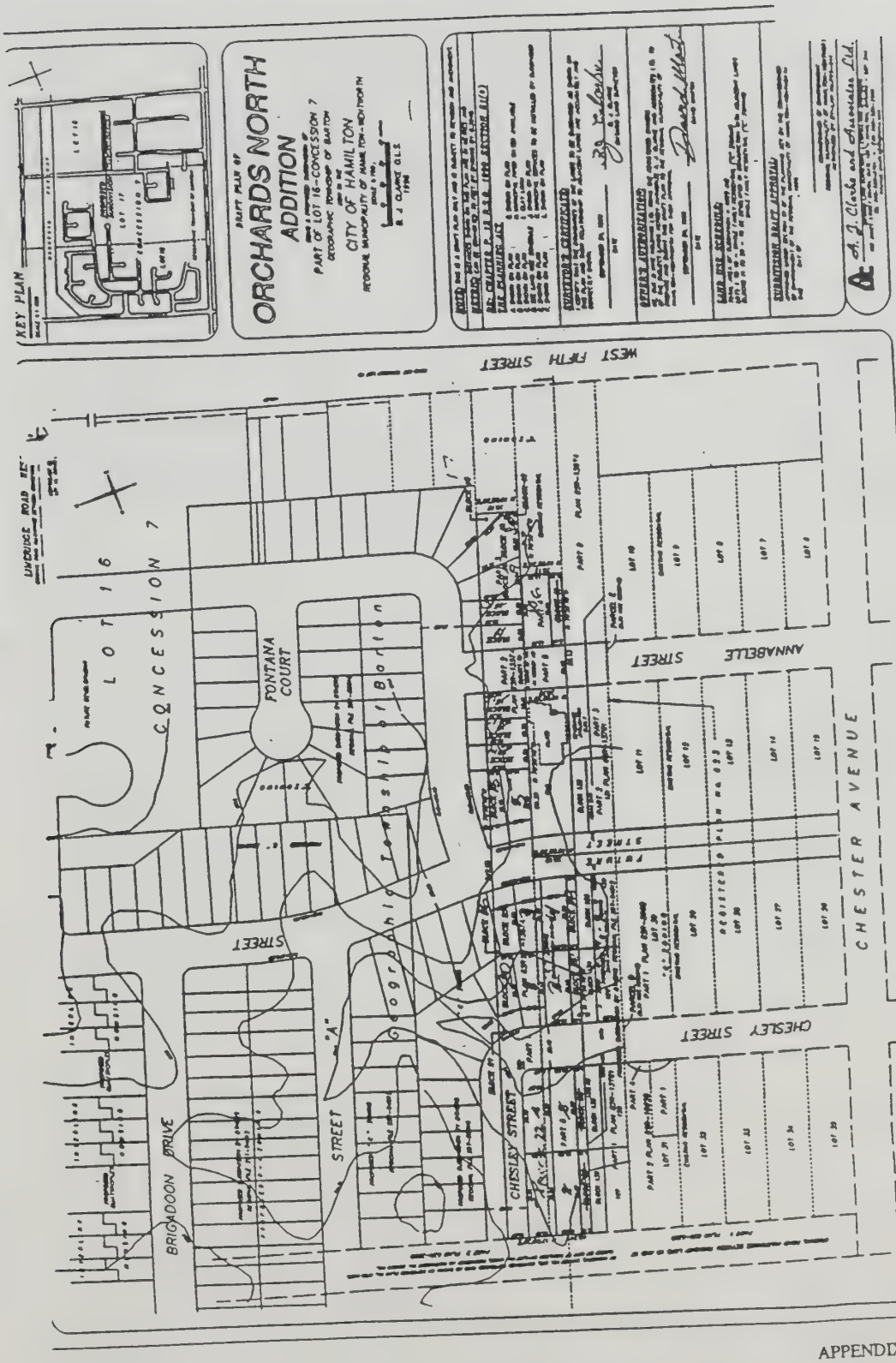
The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

Appendix "D" as referred to in
Section 2. (a) (i) of the Planning and
Development Committee Minutes
dated 1996 December 4.



APPENDIX "B"

Appendix "E" as referred to in
Section 8. B. (a) (i) of the Planning and
Development Committee Minutes
dated 1996 December 4.

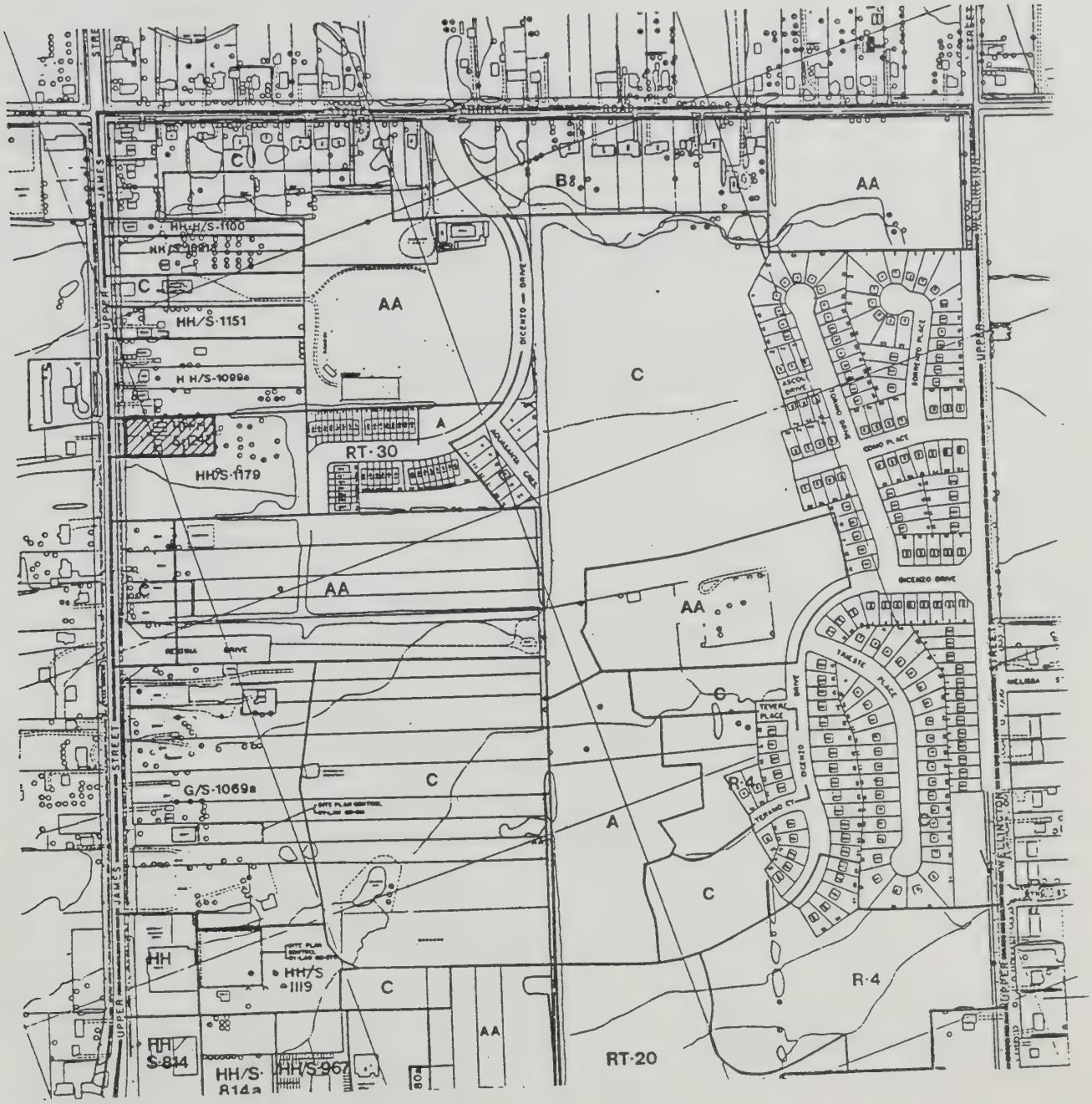
CONCESSION STREET BUSINESS IMPROVEMENT AREA
PROPOSED BUDGET FOR 1997

EXPENSES	
ADVERTISING AND PROMOTION	**$ 2,800.**
HYDRO-CHRISTMAS LIGHTS	**$ 800.**
ADVERTISING AND PROMOTION & NEWSLETTER	**$ 6,000.**
ADMINISTRATION	
INSURANCE	**$ 750.**
ACCOUNTING	**$ 350.**
MISCELLANEOUS	**$ 400.**
TOTAL	**$11,100.**

INCOME

BIA TAX LEVIES	**$10,100.**
CITY OF HAMILTON GRANT FOR CHRISTMAS DECORATIONS	**$ 1,000.**
TOTAL	**$11,100.**

Appendix "F" as referred to in
Section 8. D. (a) of the Planning and
Development Committee Minutes
dated 1996 December 4.



Legend

Site of the Application

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 1 . 1997

DATE: 1997 January 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Commercial Improvement Program - Concession Street B.I.A. - Increased Security through the Attachment of Luminaires on Privately Owned Buildings Adjacent to Alleyways.

RECOMMENDATION:

1. That under the Commercial Improvement Program, luminaires be affixed to building faces abutting alleyways within the Concession Street B.I.A., to increase security of the alleyways;

2. That the City Solicitor be authorized to prepare the necessary legal agreements to attach and maintain the lighting fixtures to private property;

3. That the Mayor and City Clerk be authorized to execute the agreements referenced in (2) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost to purchase and install the lights is estimated at $500. and $500. respectively. The Commercial Improvement Program, Account Number CF 5698 428705013, will be used for this initiative.

BACKGROUND:

City Council at its meetings held 1988 April 26 and 1992 March 31, approved the placement of lighting fixtures on privately owned properties within the Downtown Hamilton, International Village, Westdale Village and Barton General B.I.A.'s. Since that time Concession Street B.I.A. has identified the security of alleyways within its boundaries as a concern and, requested that lighting fixtures be affixed to private properties abutting the alleyways within its boundaries.

The monies to implement this project is included within the Commercial Improvement Program, a Program that was created to address streetscape improvements within Hamilton's B.I.A.'s.

c.c. Patrice Noe Johnson
City Solicitor
Attn: Lorne Farr, Solicitor

DL:HM:hm
P&D.ConcLights

B61

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 January 14

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Crown Point East/McAnulty Neighbourhood Revitalization - Fundraising

RECOMMENDATION:

a) That the City of Hamilton accept donations of $30,000. from the Crown Point East/McAnulty Citizens' Advisory Committee/individual donors for future construction of capital projects in St. Christopher's Park/Pipeline Park; and,

b) That the funding appropriation for the Capital Budget Project entitled Crown Point East/McAnulty, Account No. CF4010 429407001 be increased to $430,000. from $400,000. to include the neighbourhood/individual donations; and,

c) That the City Solicitor be authorized to amend the appropriate By-law to increase the debenture authority from $400,000. to $430,000.; and,

d) That an income tax receipt be issued for each donation to the City of Hamilton for $10. or more.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Income Tax Act allows donations to a Municipality followed by the issuance of a tax receipt by the Municipal Corporation. Such donations can only be accepted for approved municipal projects or operations. St Christophers' Park/Pipeline Park are municipal assets, the Crown Point East/McAnulty Citizens' Advisory Committee has established a Fundraising Committee to provide additional funds for site furnishings, lighting and bleachers.

..../2

The City of Hamilton has budgeted $400,000. for St. Christopher's Park/Pipeline Park, however, after reviewing the tenders and the priorities for components there is insufficient funds for the following items: site furnishings, lighting, and bleachers. This has motivated the Community to fundraise for the site furnishings, lighting and bleachers.

BACKGROUND:

At its meeting held 1995 June 27, City Council adopted Section 7 of the 15th Report of the Planning and Development Committee approving the Crown Point East/McAnulty Community Improvement Plan and the expenditure of $400,000. towards implementation of improvements identified in the Plan to the neighbourhoods. The Plan advances the goals and objectives identified by the community through a public participation process in an effort to revitalize the neighbourhoods and improve the quality of life for the residents. The number one priority within the Crown Point East/McAnulty Neighbourhoods was the redevelopment of St. Christopher's Park/Pipeline Park which, based on the concepts approved by City Council at its meeting held 1996 January 30 includes the following park components: play structure with swings, a modified ball diamond, trees planted around the perimeter, a sun shelter, parking area, site furnishings, lighting and bleachers and water spray pad.

Staff and Ward Aldermen are presently working with the Crown Point East/McAnulty Park Committee to fundraise $30,000. The Crown Point East/McAnulty Park Committee was aware prior to construction that there may be insufficient funds to complete the park with all the components identified by the neighbourhood residents.

Tenders were received and construction has commenced and it is apparent that there is a shortfall of $30,000. to complete the park as originally planned. As a result the Citizens Advisory Committee has agreed that the spray pad in St. Christophers Park, will be implemented at the time of construction since it is a permanent structure and implementation after construction of St. Christophers Park would be financially prohibitive. The installation of the spray pad during construction has affected implementation of other park furnishings within the parks, therefore all Park furnishings have been prioritized in anticipation that the $30,000. is not received. In the meantime the Crown Point East/McAnulty Park Committee and Ward Aldermen are in the process of arranging a meeting to discuss potential donations from Dofasco, which abuts St. Christophers Park.

JP:jp
storage\p&d\fundrsi.cpe

c.c. Alderman D. Wilson, Ward 4
Alderman G. Copps, Ward 4
Mr. A. Ross, City Treasurer
Mr. R. W. Chrystian, Manager of Parks

Ca)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 14 1997

DATE: 1997 January 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Canadian Mental Health Association (97.2.4.2.1.A)

RECOMMENDATION:

(a) That the City of Hamilton reimburse the Canadian Mental Health Association $39,619.89, representing the remainder principal portion of the original grant of $325,000; and,

(b) That, as agreed by the Canadian Mental Health Association, the interest earned on the fund since inception, currently amounting to $24,652.13, be retained by the City for administration charges which is to be credited to account CH 44008 50001.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of $39,619.89 will be debited from CH 5X996 00341.

BACKGROUND:

On 1994 December 13, City Council approved the termination of the joint rehabilitation loan program approved in 1986 with the Canadian Mental Health Association (C.M.H.A.). Funding for the program was provided by the Ministry of Health to C.M.H.A., and was administered, at their request, by the Housing and Loans Division, Building Department.

.../2

In terminating the program, Council approved the immediate return of $285,380.11 to the C.M.H.A., and the return on January 1 of each year, the total of principal repayment made by the borrowers. The current total principal outstanding amounts to $39,169.89.

In an effort to achieve administration efficiency, staff has since met with the C.M.H.A. and negotiated the return at one time of the entire balance of $39,619.89 provided that the interest earned since the fund was started be retained by the Housing and Loans Division, Building Department. Under this arrangement, the City will continue to receive principal repayments from the borrowers until the entire amount is returned and there will be no further involvement with the C.M.H.A. The risk of default on these principal repayments is minute, and is outweighed by the reduction of administration and the retention of the interest earned.

LCK/MM/dc

c.c. Ray Camani, Treasury Department
Tony Lau, Building Department

CITY OF HAMILTON

- RECOMMENDATION -

JAN 14 1997

DATE: 1997 January 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Street Festival Component
Barton Street Revitalization (97.2.14, 97.2.4.2.1.A)

RECOMMENDATION:

(a) That $25,000 of the $40,000 budget of the Street Festival Component of the 1996-1997 Barton Street Redevelopment Program be reallocated to the Street Enhancement Component; and,

(b) That $25,000 of the $40,000 budget of the Street Festival Component of the 1997-1998 Barton Street Redevelopment Program be reallocated to the Street Enhancement Component; and,

(c) That staff be authorized and directed to request approval from the Ministry of Citizenship, Culture & Recreation for the reallocation of funds as stated above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $300,000 in 1995 and $300,000 in 1996 has been provided by the Province for the revitalization program. The Province of Ontario will provide additional funding of $400,000 in 1997 directly to the City of Hamilton for a total of $1-million.

BACKGROUND:

On 1995 March 28, City Council approved the implementation of the revised Barton Street Redevelopment Program for loans and grants, mural projects, street festivals and street enhancement as outlined in Schedules A, B, and C, attached.

.../2

Staff have reviewed the funding spent to date on the Street Festival Component by the Barton Street B.I.A. and it has been significantly lower than the amount allocated for this component. Staff is therefore recommending, and the Barton Street B.I.A. agrees, that the Street Festival funding, which will not be utilized to its entirety, be utilized for the Street Enhancement Component. This will prevent any funding from being withdrawn by the Province of Ontario.

LCK/PL/GG/dc

SCHEDULE A

BARTON STREET REVITALIZATION GRANTS

- Grants will be made available to all those who borrow from the Commercial Loan Program to fund rehabilitation of a building within the Barton Street B.I.A.

- Both secured and unsecured loans may be held concurrently.

- Grant instalments will be advanced by the direct paying down of principal in a Commercial Loan Program borrowers' loan account by the Treasurer.

- All three year grant instalments will be segregated into a separate treasury account at the time of grant approval for eventual pay out.

- All grants and unsecured loans will be funded only from available provincial funds.

- Loans will be for a ten (10) year term at an interest rate of one half of prime at the time of loan finalization.

Secured Borrowers

- The grants will be made available to secured borrowers in three (3) instalments at the rate of:

  15% of the loan amount at the time of construction completion as approved by a Building Inspector authorized by the City, and;

  15% of the original loan amount on the anniversary date of the first advance, and;

  20% on the anniversary date of the second advance.

- The maximum grant on a loan for a single business address is not to exceed $20,000 and all instalments are to reflect the 15:15:20 ratio.

- The maximum grant for a multiple business address or to a single owner of more than one building within the B.I.A. (with more than one resultant business address) is not to exceed $30,000 and the instalments are to reflect the 15:15:20 ratio.

../2

Unsecured Borrowers

- Grants to unsecured borrowers are not to exceed $2,500 and will be in addition to the available $2,000 Commercial Program Loan, (now to be increased to $2,500) for a total unsecured grant/loan of $5,000.

- Grant instalments will be paid at the rate of:

  $1,500 at the time of construction completion as approved by a Building Inspector authorized by the City of Hamilton, and:

  $1,000 or the balance of the grant on the anniversary of the first advance.

Exterior Storefront Improvement

- The increase of the presently available unsecured loan from $2,000 to $2,500 in conjunction with the new $2,500 grant makes storefront improvement much more likely.

- Unsecured grants/loans may be required, like all commercial loans, to be used to repair aspects of a building that are in violation of Health and Safety or Property Standards, but it is envisaged that the unsecured loans be used in the main for exterior cosmetics purposes so as to enhance both the individual business and the overall streetscape.

SCHEDULE B

MURAL PROJECT

- The City will provide up to $20,000 yearly from available provincial funds to the Barton Street B.I.A. for mural projects within the B.I.A. Guidelines for the murals will be established by the City's Art Co-ordinator and final approval will rest with the B.I.A., the Arts Advisory Sub-Committee and the Task Force of the Barton Street Revitalization/Cultural Industry Strategy.

- Co-ordination will be the responsibility of the B.I.A.

- Costs for co-ordination, wages and materials are to be submitted for approval along with at art itself, and will be advanced monthly on a per cent of completion basis.

STREET FESTIVAL

- The City will provide up to $40,000 yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.

- Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

SCHEDULE C

STREET ENHANCEMENT

- Up to one third or $330,000 of the available Provincial funding of $1 million will be utilized for street enhancement projects.

- Street light fixtures, alley lighting, banners, and island plantings are expected to be installed.

- As has been the case in other B.I.A.'s, the Public Works Department will both co-ordinate and implement many of the individual work projects.

- Funds will be advanced to Public Works or the B.I.A. as is appropriate.

- Public Works is doing a separate design study of the Barton B.I.A. streetscape in the Summer of 1995, which will be used to integrate these projects with any done in the future.

CITY OF HAMILTON

(c)

- RECOMMENDATION -

JAN 1 4 1997

DATE: 1997 January 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
152 SIMCOE STREET EAST - Tag Number 97790
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 152 Simcoe Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Map E-2)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Semi-Detached Two Family Dwelling

BRIEF DESCRIPTION: Vacant one-storey wood frame and insul brick clad dwelling. The rear of the dwelling has an outstanding unsafe work order.

The owner has applied to demolish the existing building which is presently being used as a single family dwelling. The subject building is located in the Central Area identified in the City Council Resolution passed on 1994 July 26 which states that appropriate conditions for Demolition Control under Section 33 of The Planning Act be applied. **The owner of the building has not applied for a building permit to replace the building which is to be demolished**.

The reason for this Department's recommendation to issue the demolition permit for this subject property, notwithstanding City Council resolution passed on 1994 July 26, was because the existing rear portion of the dwelling presently is in an unsafe condition and a work order dated 1996 June 11 against this property is still outstanding.

PLEASE NOTE: The building is located in the North and East Neighbourhood (see attached neighbourhood map). There is a Committee of Adjustment Decision A-96:264 and a Land Severance Application B-96:25, which are both final and binding on the property.

Should Council refuse to issue a demolition permit, the Planning Act allows the owner to appeal Council's decision to the OMB.

No LACAC interest. Lot size 47.50' x 145.00'.

The owner of the property as per the demolition permit is:

Vic Fernandez
173 Ferrie Street East
Hamilton, Ontario L8L 3T4

FP/zr

City of HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

ORDER TO COMPLY

FILE NO:

ISSUED TO	LOCATION
WILLIAM JAMES BRYCE 205 HUNTER ST. W. UNIT 502 HAMILTON, ONTARIO L8P 1R8	152 Simcoe St. E. HAMILTON, Ontario.

TAKE NOTICE THAT THE rear area of the building
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S) / REGULATION(S) / BY-LAW(S) AS OUTLINED BELOW:

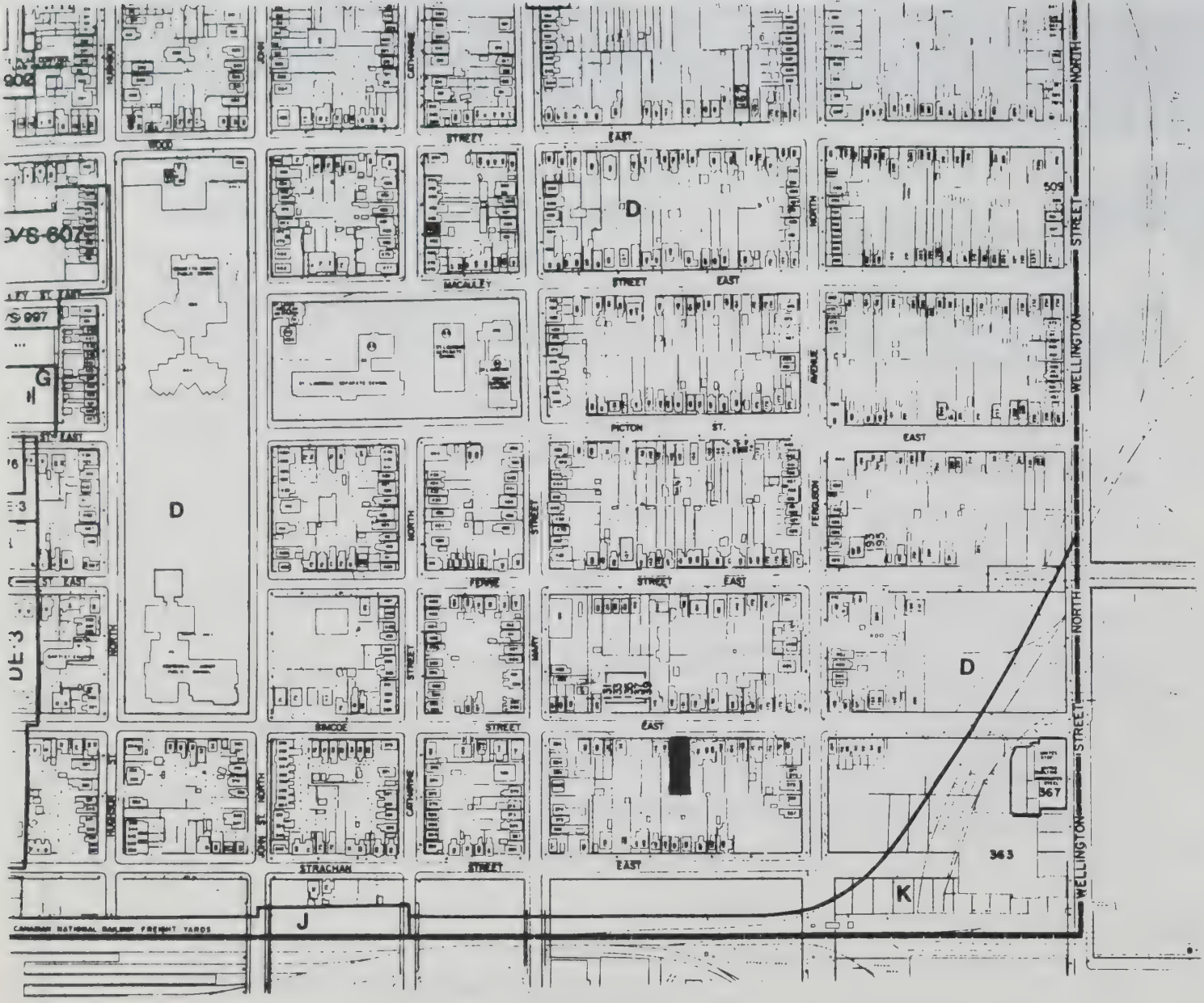
ITEM	REFERENCE	DESCRIPTION
1.	The Building Code Act, S.O 1992, Chapter 23, Section 15(3).	The rear portion of the building is in a condition that could be hazardous to the health and safety of persons in the normal use of the building, persons outside the building or persons whose access to the building has not been reasonably prevented. REQUIREMENT TO COMPLY: Demolish or make all necessary repairs to the rear of the building so as to make the building safe.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER / CONSTRUCTOR / OR PERSON APPARENTLY IN POSSESSION AND HEREBY ORDERED TO COMPLY WITHIN twenty-four (24) hours

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT / REGULATION / BY-LAW

REGISTERED MAIL & POSTED RECEIVED BY	JUNE 11,1996 DATE	G.McCRORY INSPECTOR	JUNE 11,1996 DATE

PHONE DIRECT (905) 546-2782



SUBJECT PROPERTY
152 SIMCOE ST. E.

All Lands Within This Neighbourhood Is Subject To Site Plan Control By-law No. 90-285.

107	108	69
21	10	95

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

CITY OF HAMILTON

NORTH END EAST

ZONING

Neighbourhood Boundary
Zoning Boundary.

0 50m 100m
SCALE

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO 6103

Committee of Adjustment
71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-2720 / Fax (905) 546-2764

City of HAMILTON

ATTENTION OF: Paul Fisher
TELEPHONE NO: (905) 546-2726

1997 January 2

John Vujicic
805-21 King Street West
Hamilton On L8P 4W7

Dear Sir:

Re: Application No. B-96:25
Address: 152 Simcoe Street East

Pursuant to Subsection 21 of Section 53 of The Planning Act, R.S.O., 1990, Chapter 13 notice is herewith given that the period of appeal provided for in Subsection 19 of Section 53 of the said Act has expired and no such appeal has been filed.

Therefore in accordance with Subsection 21 of Section 53 the decision of the Committee, together with any conditions is now final.

Upon fulfillment of noted conditions, three (3) copies of the deed, mortgage or other document of transaction, must be submitted for endorsement of the Certificate of Consent, one copy of which will be retained in this office for record purposes.

Notice is also given that, pursuant to Subsection 41 of Section 53 of The Planning Act, where the applicant has not complied with the conditions of consent within **ONE** year from the date of giving of the Notice of Decision, the application for consent shall there upon be deemed to be **REFUSED.**

Yours very truly,

Paul Fisher
Secretary-Treasurer
PF/sb

copy circulated January 8/97.

152 Simcoe Street East

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. A-96:264
SUBMISSION NO. A-264/96

IN THE MATTER OF The Planning Act, 1983 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 10.(1), 10.(3), 10.(4) and 18.(3)(vi)(b);

AND IN THE MATTER OF Premises municipally known as **152 Simcoe Street East**, in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in a "D" (Residential) district;

AND IN THE MATTER OF AN APPLICATION by the agent, John Vujicic, on behalf of the owner, Gino DiClaudio, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45(1) of The Planning Act, 1983, so as to permit a proposed new semidetached two family dwelling to be erected upon the lands with the following variances from the by-law:

1) to have side yard widths of at least 0.914m (3.0') instead of 1.2m (3.94') and with a further maximum 0.457m (1.5') eave projections
2) the lot has a width of at least 14.478m (47.5') instead of 18.0m (59.06')

THE DECISION OF THE COMMITTEE IS:

That the said application **IS GRANTED** subject to the following condition(s):

The elevation of the required parking spaces shall be at least 0.3m higher than the existing perpendicular centre line elevation of Simcoe Street East with a maximum driveway grade on private property not to exceed 7%.

The relief granted herein is based upon the following reasons:

The Committee after reviewing the evidence is of the opinion that the proposed development will be in keeping with the established character of other development in the neighbourhood.

The redevelopment will enhance the lands to the benefit of the surrounding neighbourhood.

The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief granted herein is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 45 of The Planning Act, 1983.

DATED AT HAMILTON this 4th day of December, 1996.

SIGNED:

B. Law
Chairman

R. N. Cutler

M. Dudzic

D. Serwatuk

E. Begg

Alderman H. Merling

Alderman B. Charters

The period of appeal has expired and no such appeal has been filed.
THIS DECISION IS NOW FINAL AND BINDING
(s. 45 of The Planning Act).
CERTIFIED A TRUE COPY
DEC 1996
Secretary-Treasurer

NOTE: This decision is not final and binding unless otherwise noted.

Cd)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 December 5 JAN 14 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
327 Hixon Road (96.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000) be approved for Emily Archer, 327 Hixon Road. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Emily Archer, 327 Hixon Road, in the amount of $2,000. The roof has been repaired, and the Department recommends approval in the amount of $2,000 at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

Da)

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1997 January 6 JAN 1 3 1997 DA-93-32 (ZAC-93-01)(A-93-132) Riverdale East Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	V. J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Request for a two year extension for the approval of Site Plan Control Application DA-93-32 for a parking area and addition to the existing building at 121 Highway No. 8.

RECOMMENDATION:

That approval be given to the request by Bowlerama Limited, owner of the lands at 121 Highway No.8 , as shown on the attached map marked as Appendix "A", for an extension to the approval of Site Plan Control Application DA-93-32 to January 19, 1998, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

Explanatory Note:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. The owner has requested an extension of this time limitation.

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

The plans of Site Plan Control Application DA-93-32 were approved on January 19, 1994 with various conditions of approval. The application was not finalized and the project did not proceed due to economic conditions. In July of 1996 the applicant advised that a new architect for the project would provide revised drawings to proceed to fulfil the conditions of approval. In proceeding with the application, it was noted that the expiry time as designated by By-Law No. 87-150 has been surpassed and an approval for an extension is required.

The applicant has therefore requested an extension of the approved plans to January 19, 1998, in order to proceed with construction of the project during the 1997 season.

The plans have been finalized to incorporate the various departments' requirements and will be included in the registered Site Plan Agreement. Portions of the Site, Grading and Landscape Plans have been included as Appendix "B", "C", and "D", for information.

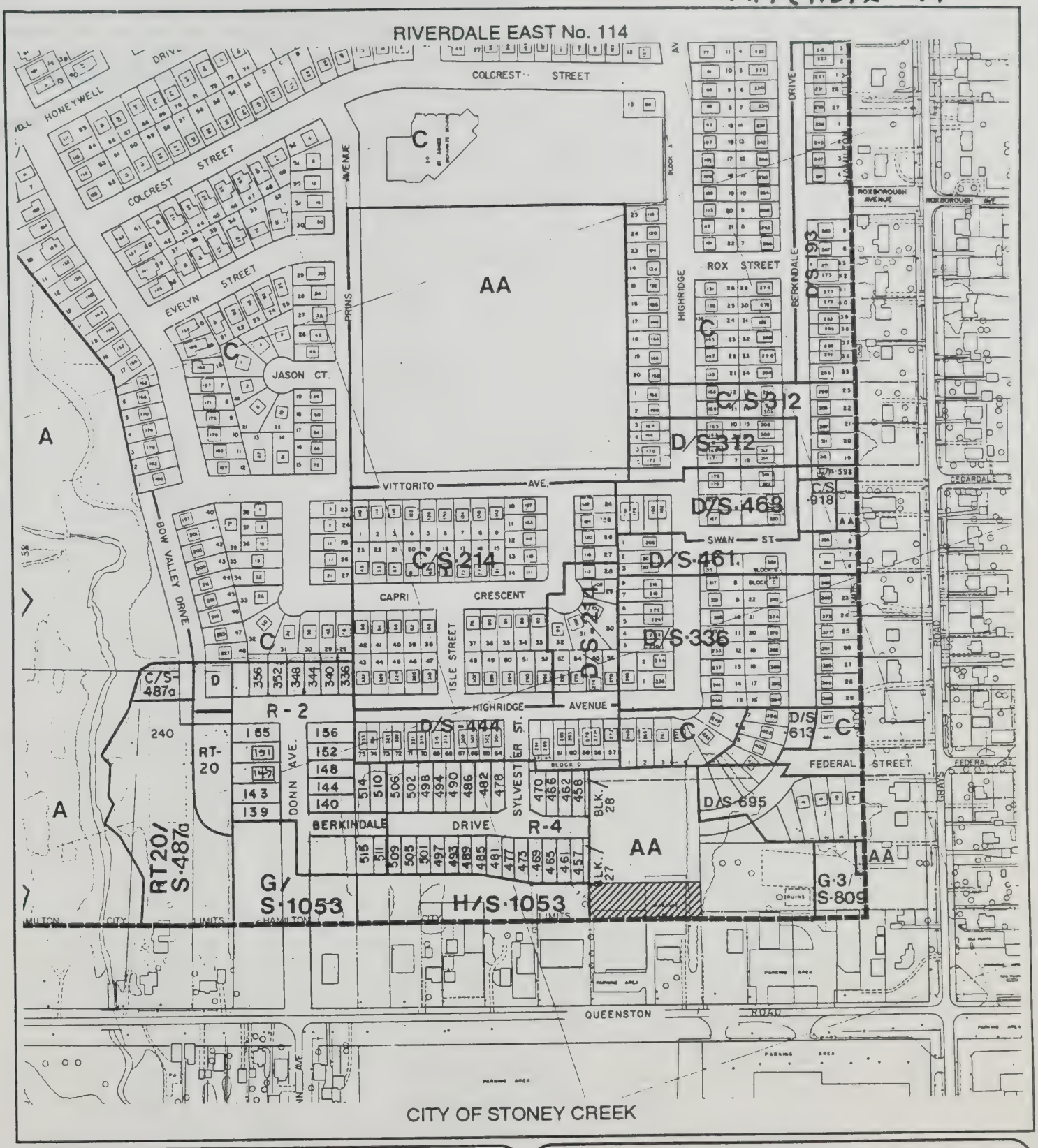
COMMENTS:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. City Council approval is therefore required to modify the time frame.

Since the proposed parking area and building addition are considered minor development, the request for an extension can be supported. At the end of this period, if no Building Permit has been issued, it is recommended that a new application be submitted for the approval of development plans.

jps:DA93-32.ext/jan3

APPENDIX "A"



City of Hamilton

Plan Showing
Lands Subject to

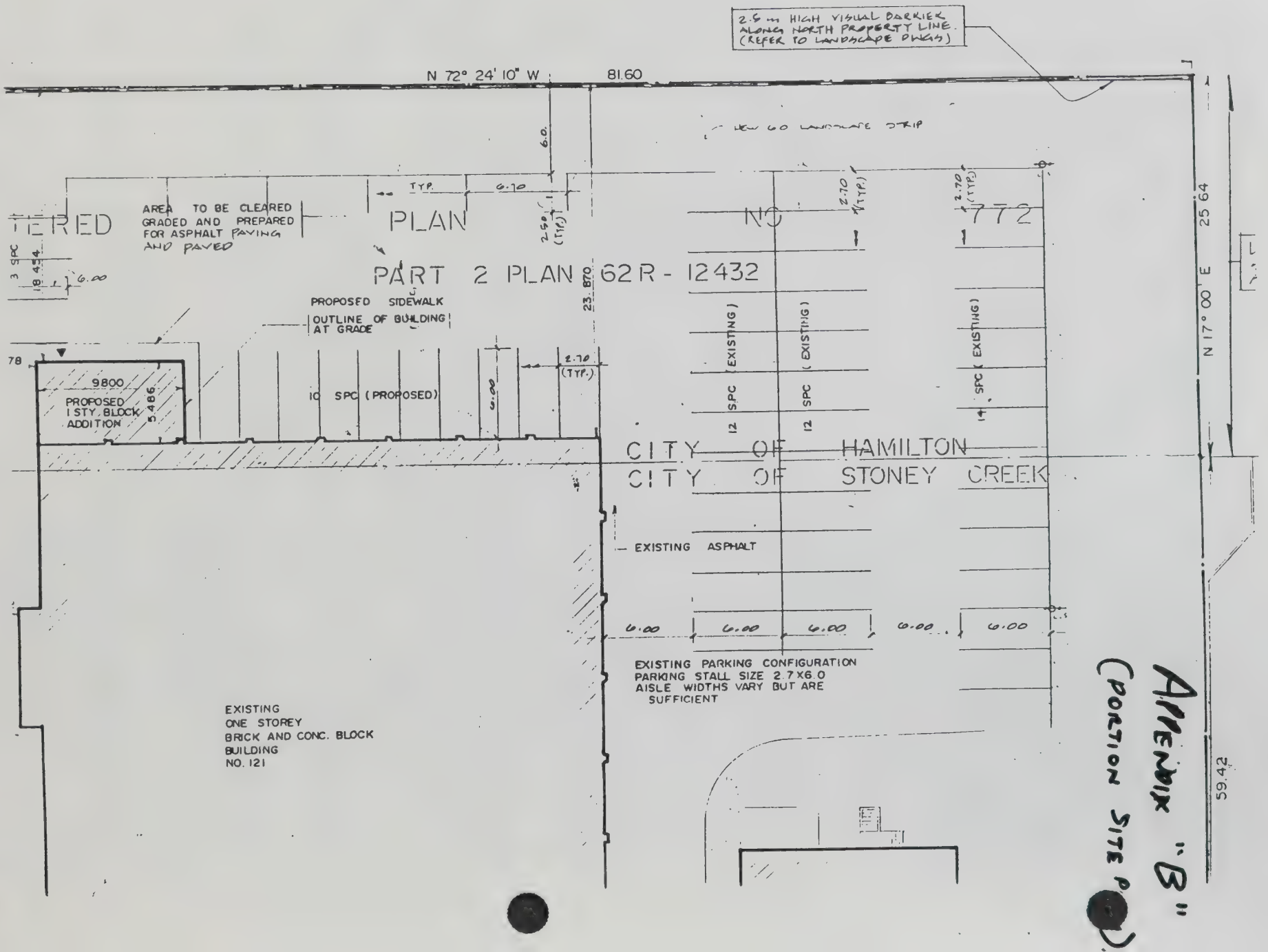
Site Plan Control
Application DA-93-32

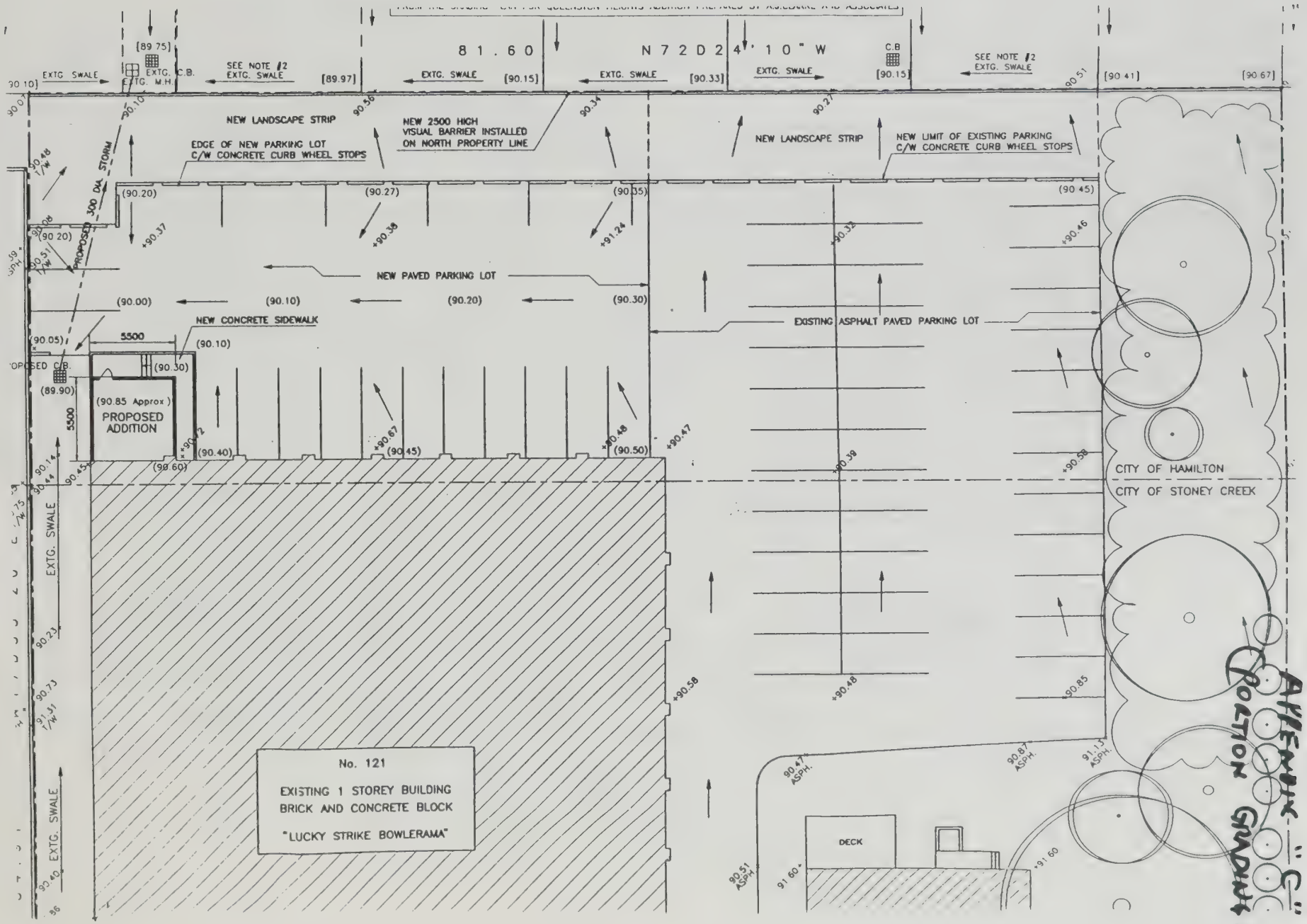
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

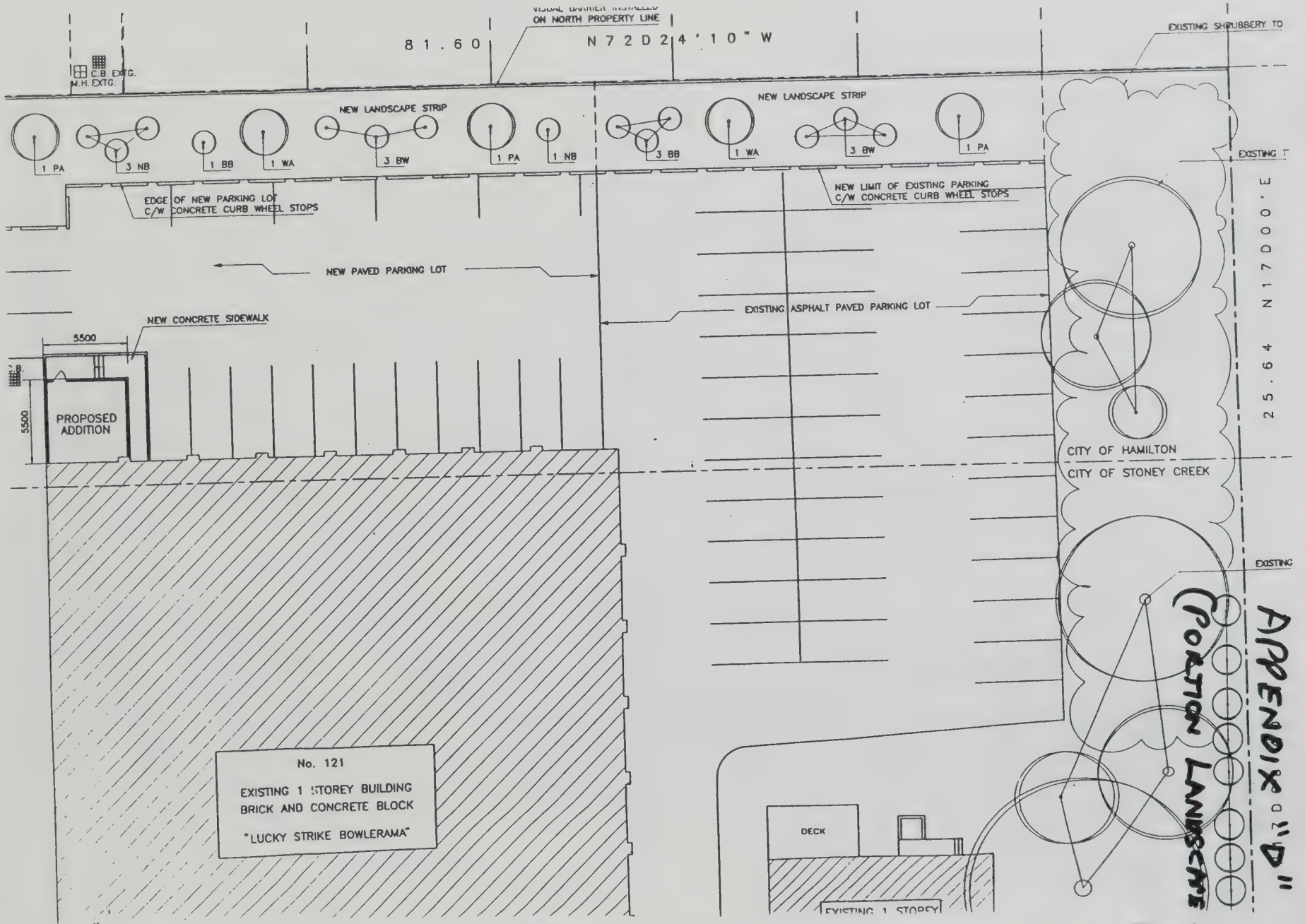
Site of the Application

North	Scale	Reference File No.
	NOT TO SCALE	DA-93-32
	Date	Drawn By
	SEPTEMBER 1993	Z.K.


2.5 m HIGH VISUAL BARRIER ALONG NORTH PROPERTY LINE (REFER TO LANDSCAPE DWGS)
N 72° 24' 10" W
81.60
6.0
NEW 6.0 LANDSCAPE STRIP
TYP.
6.10
2.50 (TYP.)
AREA TO BE CLEARED GRADED AND PREPARED FOR ASPHALT PAVING AND PAVED
TIERED
PLAN
NO
772
PART 2 PLAN 62R-12432
3 SPC
18.454
6.00
PROPOSED SIDEWALK
OUTLINE OF BUILDING AT GRADE
23.870
2.70 (TYP.)
2.70 (TYP.)
2.70 (TYP.)
78
9800
PROPOSED 1 STY. BLOCK ADDITION
5.486
10 SPC (PROPOSED)
6.00
12 SPC (EXISTING)
12 SPC (EXISTING)
14 SPC (EXISTING)
N 17° 00' E 25.64
CITY OF HAMILTON
CITY OF STONEY CREEK
EXISTING ASPHALT
6.00
6.00
6.00
6.00
6.00
EXISTING PARKING CONFIGURATION
PARKING STALL SIZE 2.7 X 6.0
AISLE WIDTHS VARY BUT ARE SUFFICIENT
EXISTING
ONE STOREY
BRICK AND CONC. BLOCK
BUILDING
NO. 121
59.42
APPENDIX "B"
(PORTION SITE PLAN)



ATTACHMENT "G"
BOLTON GRADING PLAN


81.60
N72D24'10"W
ON NORTH PROPERTY LINE
EXISTING SHRUBBERY TO
C.B. EXTG.
M.H. EXTG.
NEW LANDSCAPE STRIP
NEW LANDSCAPE STRIP
1 PA
3 NB
1 BB
1 WA
3 BW
1 PA
1 NB
3 BB
1 WA
3 BW
1 PA
EXISTING
EDGE OF NEW PARKING LOT C/W CONCRETE CURB WHEEL STOPS
NEW LIMIT OF EXISTING PARKING C/W CONCRETE CURB WHEEL STOPS
NEW PAVED PARKING LOT
EXISTING ASPHALT PAVED PARKING LOT
NEW CONCRETE SIDEWALK
5500
5500
PROPOSED ADDITION
25.64
N17D00'E
CITY OF HAMILTON
CITY OF STONEY CREEK
EXISTING
No. 121
EXISTING 1 STOREY BUILDING
BRICK AND CONCRETE BLOCK
"LUCKY STRIKE BOWLERAMA"
DECK
EXISTING 1 STOREY
APPENDIX "D"
(PORTION LANDSCAPE PLAN)

D b)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 1 3 1997

DATE: 1997 January 10
(PLC-96-03)
Falkirk East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
for Lots 67 - 78, inclusive, "Rymal Estates" Subdivision

RECOMMENDATION:

a) That approval be given to Part Lot Control Application 96-03, **100 Main Street East Ltd., owner**, to remove part-lot control for Lots 67 - 78, inclusive, located in "Rymal Estates", to permit the creation of 11 lots from the existing 12 lots, as shown on the attached map marked as APPENDIX "A";

b) That the attached by-law, marked as APPENDIX "B", to remove part lot control from Lots 67 to 78 inclusive, Registered Plan 62M-679, "Rymal Estates" plan of subdivision, be enacted by Council;

c) That the exempting by-law be restricted to a 90 day effective time period; and,

d) That following the enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

V.J. Abraham

J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, Peter Ashenhurst, agent for 100 Main Street East Limited, is proposing to increase the size of the building lots by creating 11 lots out of the existing 12 lots. The existing 12 lots have a lot width of 12.092 m whereas the new lots will have a minimum lot width of 13.191 m. In doing so, the applicant will be reducing the number of lots from 12 to 11. The composition of the new lots is shown on the attached table marked as APPENDIX "C".

Location

The lands are located on Benvenuto Crescent which is north of Rymal Road West and west of Claudette Gate in the Falkirk East Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 90 day effective time period.

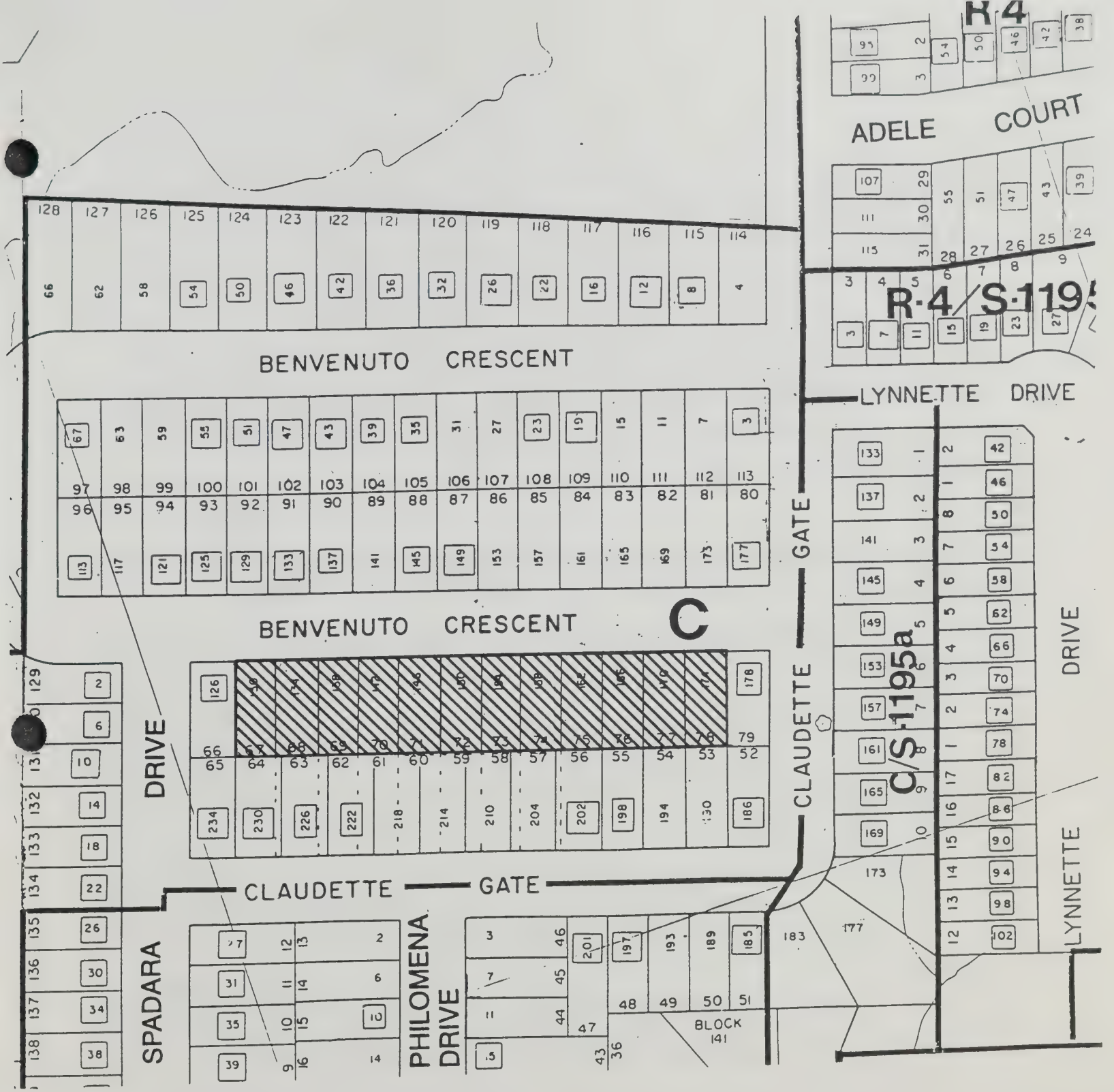
2. The proposal to increase the size of the building lots by creating 11 lots out of the existing 12 lots is to facilitate different housing designs which cannot be accommodated on the existing lot width of 12.092 m. The new lots are proposed to have a minimum lot width of 13.191 m. As such, the number of building lots will be reduced from 12 to 11.

3. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC96.03



Legend

Site of the Application

PLC-96-03

APPENDIX "A"

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97—

To Remove
Land within the "Rymal Estates" Subdivision, Plan 62M-679
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, shall not apply to the following lands:

   Lots 67 to 78 inclusive within Registered Plan Number 62M-679, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on May 1, 1997.

PASSED this day of A.D. 1997.

City Clerk Mayor

RYMAL ESTATES - 62M-679

LOTS 67 - 78

NEW PARCEL	Frontage m	Area sq.m	SEVER PART	Frontage m	Area sq.m	JOIN TO PART	Frontage m	Area sq.m	RETAIN PART	Frontage m	Area sq.m
1	13.191	495.73	Lot 68			Lot 67	12.092	362.76	Lot 68		
			Part 1	1.099	132.97				Part 2	10993	329.79
2	13.191	395.73	Lot 69			Lot 68			Lot 69		
			Part 3	2.198	65.94	Part 2	10.993	329.79	Part 4	9.894	296.82
3	13.191	395.73	Lot 70			Lot 69			Lot 70		
			Part 5	3.297	98.91	Part 4	9.894	296.82	Part 6	8.795	263.85
4	13.191	395.73	Lot 71			Lot 70			Part 71		
			Part 7	4.396	131.88	Part 6	8.795	263.85	Part 8	7.696	230.88
5	13.191	395.73	Lot 72			Lot 71			Lot 72		
			Part 9	5.495	164.85	Part 8	7.696	230.88	Part 10	6.597	197.91
6	13.191	395.73	Lot 73			Lot 72			Lot 73		
			Part 11	6.594	197.82	Part 10	6.597	197.91	Part 12	5.498	164.94
7	13.191	395.73	Lot 74			Lot 73			Lot 74		
			Part 13	7.693	230.79	Part 12	5.498	164.94	Part 14	4.399	131.97
8	13.191	395.73	Lot 74			Lot 75			Lot 74		
			Part 14	4.399	131.97	Part 15	8.792	263.76	Part 13	7.693	230.79
9	13.191	395.73	Lot 75			Lot 76			Lot 75		
			Part 16	3.300	99.00	Part 17	9.891	296.73	Part 15	8.792	263.76
10	13.191	395.73	Lot 76			Lot 77			Lot 76		
			Part 18	2.201	66.03	Part 19	10.990	329.70	Part 17	9.891	296.73
11	13.194	395.82	Lot 77			Lot 78	12.092	362.76	Lot 77		
			Part 20	1.102	33.06				Part 19	10.990	329.700

APPENDIX "C"

D c)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 1 5 1997

DATE: 1997 January 14
(PLC-96-01)
Allison Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
"Allison Estates - Phase 1, Stage 2" Subdivision
Registered Plan No. 62M-795

RECOMMENDATION:

(a) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc., owner, for a 3 month extension to remove part-lot control to establish maintenance easements for Lots 1 - 19, inclusive, located in "Allison Estates, Phase 1, Stage 2", Registered Plan No. 62M-795, as shown on APPENDIX "A"; and,

(b) That the attached by-law, marked as APPENDIX "B", to extend part-lot control from Lots 1 to 19, inclusive, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2" plan of subdivision, effective until April 1, 1997, be enacted by Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, John Parente, Solicitor for 822827 Ontario Inc., owner, is requested a 6 month extension to Part Lot Control By-law No. 96-174 to allow for the establishment of maintenance easements in accordance with the Registered Plan of Subdivision 62M-795, "Allison Estates - Phase 1, Stage 2". The maintenance agreements will be on Lots 1 to 19 inclusive. The extension has been requested in view of market conditions.

Council, at its meeting of October 29, 1996, passed By-law No. 96-174 which exempted the subject lands for a period of 3 months to February 1, 1997. In accordance with Section 50(7.4) of the Planning Act, the applicant has requested that Council extend the exemption from part-lot control.

Location

The lands are located south of Rymal Road and west of Upper Wellington Street in the Allison Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment in accordance with their consent granting authority, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 51(7.1) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 51(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. During the effective time period, lands may be conveyed or easements established in the absence of any additional municipal review. Given that the applicant is proposing to establish maintenance easements on the subject lands, then the easements can be registered at any time during the effective period of the By-law, irrespective of whether or not building permits have been issued or if dwellings are under construction. In this regard, the exempting by-law should be restricted to a 3 month effective time period.

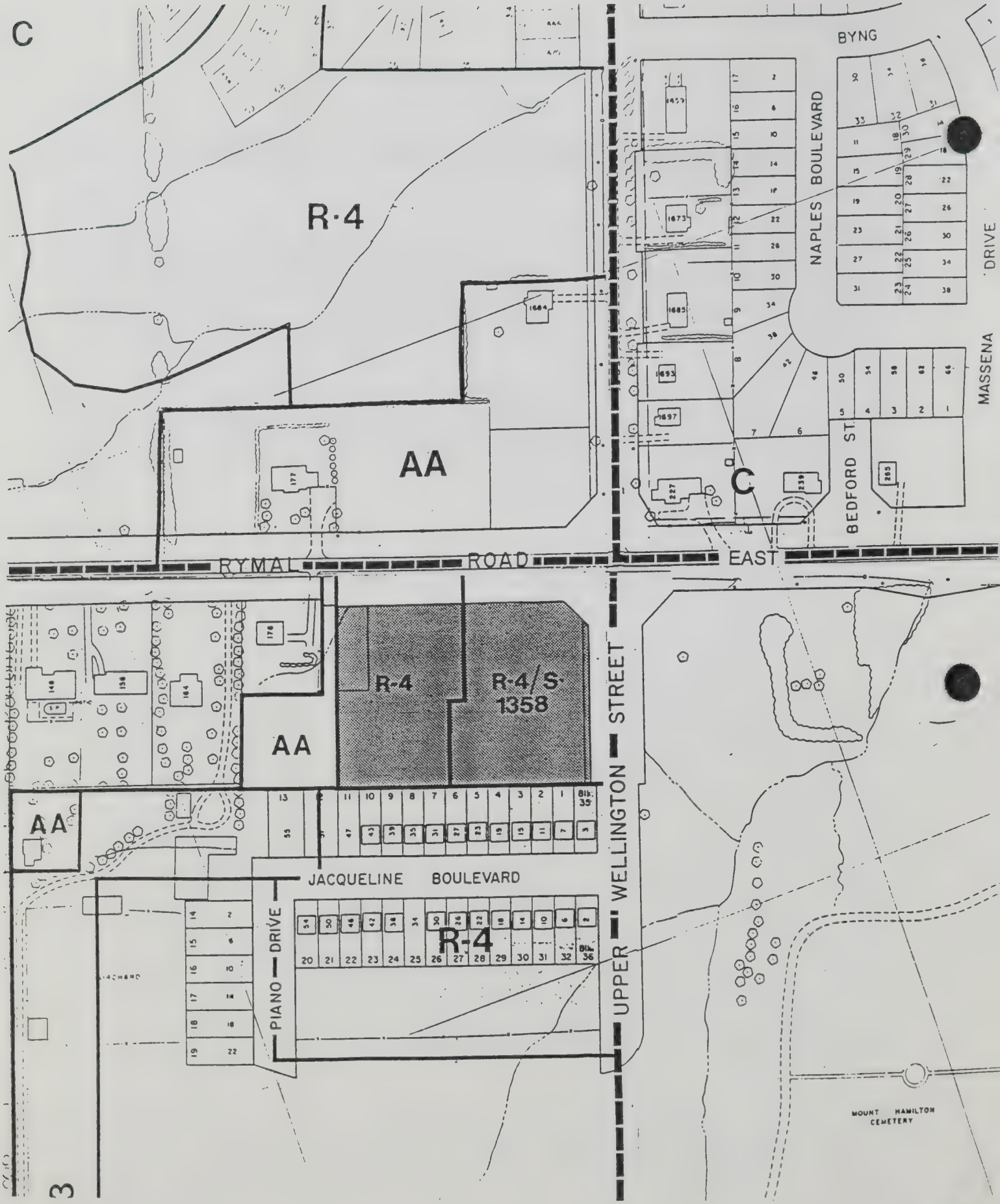
2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

3. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC96-01.2nd



Legend

Site of the Application

PLC-96-01

APPENDIX A

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Extend By-law No. 96-174

Respecting:

LAND WITHIN THE "ALLISON ESTATES - PHASE 1, STAGE 2" SUBDIVISION, PLAN 62R-13933

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 96-174 on October 29, 1996 to remove the lands described in section 1 thereof from part lot control, which by-law shall expire on February 1, 1997;

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 96-174;

AND WHEREAS approval under subsection (7.1) is not required for an extension in accordance with subsection (7.4);

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 96-174 is hereby repealed and the following substituted therefor:

"(c) This By-law shall expire on April 1, 1997."

2. In all other respects, By-law No. 96-174 is hereby confirmed, unchanged.

3. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 96-174.

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Extend By-law No. 96-174

Respecting:

LAND WITHIN THE "ALLISON ESTATES - PHASE 1, STAGE 2" SUBDIVISION, PLAN 62R-13933

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 96-174 on October 29, 1996 to remove the lands described in section 1 thereof from part lot control, which by-law shall expire on February 1, 1997;

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 96-174;

AND WHEREAS approval under subsection (7.1) is not required for an extension in accordance with subsection (7.4);

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 96-174 is hereby repealed and the following substituted therefor:

"(c) This By-law shall expire on April 1, 1997."

2. In all other respects, By-law No. 96-174 is hereby confirmed, unchanged.

3. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 96-174.

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

Dd)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 15 1997

DATE: 1997 January 15
CI-96-J

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Review of Parking Standards for Single-Family Dwellings

RECOMMENDATION:

That the Planning and Development Committee direct staff to hold a Public Meeting regarding the parking standards for single-family dwellings and associated technical definitions.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Planning and Development Committee, at their meeting of November 6, 1996, directed staff to undertake a review of the parking standards for single-family dwellings. This direction was in response to a staff report in which Planning and Development Department staff, in conjunction with Building Department and Traffic Division staff identified three areas for consideration and review regarding the parking provisions in the Zoning By-law. Specifically, the areas of concern are:

(i) the parking ratio of 1 space per single family dwelling may not be appropriate for large single family dwellings;

(ii) below grade parking/driveway grades which create safety concerns; and,

(iii) the existing parking/manouvering space requirements of the Zoning By-law should be clarified with respect to manouvering space.

A. Parking Ratio

The existing parking requirement (i.e. 1 space per dwelling unit) may not be appropriate for large single-family dwellings of more than four bedrooms, in particular, due to multiple car ownership. This causes an increased demand for on-street parking. In order to minimize the effects on the neighbourhood, the existing parking ratio should be reviewed.

The purpose of the existing parking provisions in the Zoning By-law are two-fold. First, by regulating the minimum number of parking spaces, it is the intent to ensure that adequate on-site parking is provided. Secondly, by regulating the maximum parking area, the provisions of the By-law are designed to limit the impact of vehicles on the lot and visual amenity of the street.

Based on discussions with staff from the Building Department and Traffic Division, several preliminary options have been identified. The options are:

- no change;
- establish a parking space per person ratio;
- establish a parking space per bedroom ratio; or,
- devise a parking space per floor area ratio.

In exploring the various options, it is important that the option chosen can be enforced and is related to the actual use of the land. In addition, any changes in the required parking should be sensitive to ensure that a revised standard does not create "residential parking lots" whereby the side or rear yards are paved to accommodate multiple parking spaces. The Zoning By-law does not permit stacked parking. As such, there could be pressure to utilize the entire rear yard for parking which could affect adjacent landowners.

Parking space per person ratio

A parking standard could be set based on the number of persons per household. However, this regulation would be difficult to administer in that the City would first have to determine the number of individuals that will be residing in a dwelling prior to determine the amount of required parking. As such, this is not considered to be a practical option in terms of day-to-day administration and enforcement.

Parking space per floor area ratio

The Zoning By-law currently utilizes a variety of mechanisms to derive at the minimum required parking. For commercial uses, parking is based on gross floor area whereas the required parking for lodging houses/residential care facilities is based on the occupancy of the building.

The City of London, in response to development pressures around the University of Western Ontario, incorporated a parking standard based on the habitable floor area in their "monster home" by-law. The by-law establishes a parking ratio of one space per 100 m^2 (1,075 sq.ft.) of floor area.

With the exception of the Ainslie Woods and the Westdale Neighbourhoods, single detached dwellings are not regulated with respect to gross floor area. Whereas a gross floor area mechanism is appropriate for regulating the height, bulk and mass of new construction within established neighbourhoods, a GFA ratio for parking could be problematic given that the number of rooms may not be directly linked to the size of the dwelling. For example, a 1,400 ft^2 2 storey dwelling may contain 3 bedrooms whereas a 2,000 ft^2 bungalow may only contain 2 bedrooms.

Parking space per bedroom ratio

Under this option, the number of required parking spaces is linked to the number of bedrooms in a dwelling. This approach is utilized by the City of Cambridge. The City of Cambridge requires 1 parking space for the first 4 bedrooms and then 1 additional space for each 2 additional bedrooms (ie a 4 bedroom house would require 1 space whereas a 6 bedroom house would require 2 spaces). This form of regulation would require a clear definition of bedroom given that the Building Code does not provide a clear definition of bedroom relative to other rooms.

As previously noted, it is important that a parking standard can be enforced and is related to the actual use of the land. A parking ratio based on the number of bedrooms could be difficult to enforce in that applicants could label rooms for other uses (eg studio, computer room, TV room, etc.) on their building plans to avoid providing additional parking. To resolve this problem, the parking ratio could be based on the number of rooms per dwelling. Additional on-site parking would be required if the number of rooms proposed exceeded a pre-defined threshold level.

Based on discussions with the Building Department and the Hamilton Home Builders Association, the typical new dwelling contains a kitchen, living room/dining room, family room, 3 bedrooms and 2 bathrooms for a total of 8 rooms in addition to a basement/cellar. Where additional rooms are proposed, then additional parking could be required at a ratio of 1 additional on-site parking space for every additional 2 rooms.

In order to provide flexibility for proponents of new residential construction with respect to the type and nature of rooms within a dwelling, the number or rooms within a dwelling could be calculated based on the definition of "habitable room" in the By-law. Rooms which are not used for extended periods of time (eg bathroom, laundry room) are not considered to be a habitable room. Based on the existing definition, then the room count would be restricted to rooms such as a kitchen, living room, dining room, family room, or bedroom.

In order to facilitate this option, it is necessary to revise the definition of "Storey, Attic" and "Storey, Half" in the Zoning By-law. This is clarify as to whether or not the attic area should be included in the calculation of the number of rooms. By differentiating between the two based on whether or not the space is suitable for human habitation in accordance with the Building Code. Habitable space within the attic would be included in determining the amount of required parking.

Preferred Option - Parking Ratio Based on Number of Rooms Per Dwelling

On the basis of the forgoing, the preferred option is to establish a parking ratio based on the total number of rooms within a single family dwelling. The ratio should be based on the habitable rooms within a dwelling (eg bedroom but excluding a bathroom). In addition, it will be necessary to differentiate between "storey attic" and "storey, half".

B. Driveway Grades

The Traffic Division has requested Planning and Development Department staff to review the Zoning By-law to regulate the grade of driveways. There have been cases where due to the steep grade of the driveways, visibility has been impaired when attempting to back out of the driveway. It is noted that through the subdivision process, the grades of one, two and three family dwellings is limited to 7 percent. In addition, the subdivision/grading agreements require that the finished level of the garage be 0.3 metres above the elevation of the back of the sidewalk. However, existing lots of record are exempt from these controls.

The Traffic Division has advised that when dwellings are constructed with below grade parking there is often pressure to convert the garage into living space and fill in the driveway. This occurs where the garage is approximately 2.0 m below grade with a 6.0 m driveway resulting in a 1:3 slope. In addition, the conversion of the garage into additional living area or into an accessory apartment results in a 50% reduction in the number of on-site parking spaces. This can result in on-street parking congestion. As a result, there is pressure to use the front yard for parking and to reduce the amount of front yard landscaping. This phenomenon is further compounded when there is pressure to accommodate 2 or more vehicles on site. When the Housing Intensification Study was undertaken, the single most contentious issue was uncontrolled front yard parking which resulted in the loss of trees and greenspace in residential areas. The parking and landscaping requirements of the Zoning By-law are intended to maintain the residential character of the streetscape and to ensure that adequate off-street parking is provided.

In those circumstances whereby the size of the lot and the proposed dwelling design restricts the ability of the proponent to provide adequate on-site parking, then an application could be made to the Committee of Adjustment. This would provide for a detailed review of the proposed driveway grades in order to minimize potential vehicular manouvering problems.

C. Manouvering Space

For all new single-family dwellings, the Zoning By-law requires the provision of one 6.0 m parking space and associated manouvering must be provided. In laymen's terms, the effect of the by-law is to require 2 on-site parking spaces. However, where the conversion of the garage into additional living area or into an accessory apartment occurs, the required manouvering space is eliminated and the required parking may be provided in the front yard. The Ontario Municipal Board has recently approved a number of minor variance appeals to eliminate the manouvering space and provide the required parking in the front yard. The OMB, in their decisions, have indicated the applicants are still providing the required parking space. However, the effect of these conversions is a 50% reduction in the number of on-site parking spaces. This can result in on-street parking congestion.

Planning and Development Department staff contacted the adjacent municipalities to ascertain how they deal with the issue of required parking, manouvering space and driveways (see APPENDIX "A").

The intent of the By-law is to provide for adequate on-site parking while still maintaining the residential character of the streetscape. Given that the manouvering space is in effect a parking space, then it is appropriate that the provisions of the By-law be clarified to require two on-site parking spaces, one of which could be permitted in the front yard of the dwelling.

PLANNING COMMENTS:

1. The proposed changes comply with the intent of the Official Plan.

2. As part of the background research, Planning and Development Department staff and Building Department staff met with a representative from the Hamilton Home Builders Association (HHBA) to discuss development trends and the various options for revising the parking standards in the Zoning By-law. The HHBA indicated that generally the design of new single detached dwellings are in keeping with the proposed changes to the Zoning By-law.

   Based on a review of the initial staff report, the HHBA have advised as follows:

   - the requirement that garages be 0.30 m above grade is generally supportable subject to consideration be given to those situations whereby the grade permits a

"walk out basement". The HHBA is concerned that in these circumstances the required parking may be considered to be below grade; and

- the HHBA support staff's comments that the issue of required parking/manouvering space should be clarified.

The HHBA have no objection to the amending the Zoning By-law whereby one additional on-site parking space per 2 bedrooms would be required where more than 4 bedrooms are proposed. As previously noted, because it may be difficult to define what constitutes a bedroom, the parking requirement should be based on the number of habitable rooms in a dwelling.

In addition, the HHBA have requested that consideration be given to permitting projections into the required parking area where said parking is accommodated in an attached garage. This is to permit stairs to encroach into the parking area where access is provided from the garage to the dwelling but the final grades require 2 or 3 stairs to be provided. The HHBA suggested that a maximum encroachment of 1.0 m be considered.

3. The request by the HHBA to permit the encroachment of stairs into the garage has merit. However, rather than the 1.0m encroachment, a 0.75 m encroachment is considered to be more appropriate. The Building Code requires a minimum tread width of 23.5 cm. Therefore, a 0.75 m encroachment would accommodate 3 steps from the garage floor into the dwelling. The encroachment should be restricted to the length of the parking space (ie from 6.0 m to 5.25 m) and to ensure that the parking space is useable a maximum height restriction on the encroachment should be utilized.

4. Based on a review of the existing provisions of the Zoning By-law and the aforementioned options, the Zoning By-law should be revised with respect to the parking standards for single family dwellings. As such, the following changes to Zoning By-law No. 6593 are required:

   - for every single family dwelling, a minimum 2 parking spaces shall be required, of which only 1 may be provided in the front yard, for the first 8 habitable rooms in the dwelling unit plus 1 parking space for each additional 2 habitable rooms;

   - the above change clarifies that the manouvering space in the 6.0 m front yard setback is utilized and functions as a second parking space. The above change renames the manouvering space as a parking space and allows for one space to be provided in the front yard;

   - the existing definition of "storey, attic" or "storey, half" should be replaced with the following definitions:

"storey, attic" shall mean the portion of a building situated wholly, or in part, within the roof and which is not a half-storey;

"storey, half" shall mean the portion of a building situated wholly or in part within a slopping roof and in which:

a) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 m (7 feet, 7 inches) over at least a floor area equal to at least fifty percent of the area of the floor next below; or,

b) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.1 m (6 feet, 11 inches) over all of the area of the floor.

- where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade with a maximum driveway grade of 7.0%; and,

- where more than 1 parking space is provided in an attached garage, then an open stairway may project into the length of the required parking space not more than 0.75 metre.

CONCLUSION:

Based on the foregoing, it is appropriate to schedule a formal public meeting of the Planning and Development Committee to gain public comment on the various options prior to the Committee making a final decision on this matter.

SR/sr
CI-96-J.2nd

APPENDIX "A" - Required Parking for Singe Detached Dwellings

Municipality	Required Parking	Parking Space Dimensions
Ancaster	2 required parking spaces per single detached dwelling. 1 space permitted on a private driveway appurtenant to the dwelling.	2.6 m wide x 5.5 m long
Dundas	1 required parking space per single detached dwelling. Required parking not permitted in the required front yard, except for the access driveway leading to the required parking space.	2.7 m wide x 6.0 m long
Flamborough	1 required parking space per single detached dwelling. Driveway within the required front yard may be used to provide parking supplementary to the required parking.	2.6 m wide x 5.8 m long.
Glanbrook	2 required parking spaces per single detached dwelling. 1 space permitted in the front yard. Tandem parking permitted.	3.0 m wide x 6.0 m long
Stoney Creek	2 required parking spaces per single detached dwelling. 1 space permitted in the front yard. Tandem parking permitted.	2.75 m wide x 5.8 m long. Parking space within a garage must be 3.0 m wide x 6.0 m long.
Hamilton	1 required parking space per dwelling. No parking permitted in the front yard.	2.7 m wide by 6.0 m long.

D e)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 1 5 1997

DATE: 1997 January 10
(OP-SC)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Official Plan Amendment No. 66 - City of Stoney Creek
Request for Deferral - Cardinal Newman High School Site

RECOMMENDATIONS:

(a) That the City of Hamilton request the Regional Municipality of Hamilton-Wentworth to defer the MEDIUM DENSITY designation on Schedule A5 - Secondary Plan and Policy 13.5.15 of the City of Stoney Creek Official Plan Amendment No. 66 (Olde Town Secondary Plan) until such time as the City of Hamilton and the City of Stoney Creek can resolve the planning issues related to the Cardinal Newman High School site.

(b) The City Clerk be requested to inform the City of Stoney Creek of the City of Hamilton's request for deferral for the above noted policy and Secondary Plan designation.

V.J. Abraham

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The City of Stoney Creek has prepared an Official Plan Amendment, Secondary Plan and associated planning for the Olde Town area of the City (see APPENDIX "A"). The City of Hamilton provided comments on the planning documents for three sites (two sites on King Street and Cardinal Newman High School). The designations and the zoning were satisfactory for the King Street; however, staff felt the proposed MEDIUM DENSITY designation in the Secondary Plan for the Cardinal Newman site is considered premature until such time as a comprehensive plan has been developed for the site. Given the size, the location of the site, the surrounding single-family dwellings, and access concerns, it would be appropriate for Planning and Development Department staff to work in conjunction with City of Stoney Creek staff, residents and other interested parties to further examine land use options. Once the type of residential uses has been identified, it would be appropriate to designate the subject lands.

Based on the above, City Council, at its meeting of July 9, 1996 approved the following recommendation:

> "That the City Clerk advise the City of Stoney Creek that:
>
> a) the City of Hamilton supports the City of Stoney Creek's Official Plan Amendment, Secondary Plan and associated zoning changes for the Olde Town with the exception of the Cardinal Newman Secondary School site.
>
> b) the Cardinal Newman School site should not be designated MEDIUM DENSITY in the Secondary Plan until such time as the Stoney Creek, in conjunction with the City of Hamilton, develops a comprehensive plan for the site. Furthermore, that vehicular access be prohibited from Cromwell Crescent."

Subsequent to that time, the City of Stoney Creek has proceeded with the OPA, etc. and forwarded it to the Region for approval.

The City of Hamilton's concerns have not been resolved to date. In this regard, it would be appropriate to request the Region to defer approval of the MEDIUM DENSITY designation and associated policy in the Secondary Plan for this site until such time as the City's concerns have been resolved.

For the information of the Committee, in late January, staff of the Planning and Development Department of both the City of Hamilton and Stoney Creek and the Ward 5 Alderman will be holding a public information for Hamilton residents to discuss the planning issues around this site.

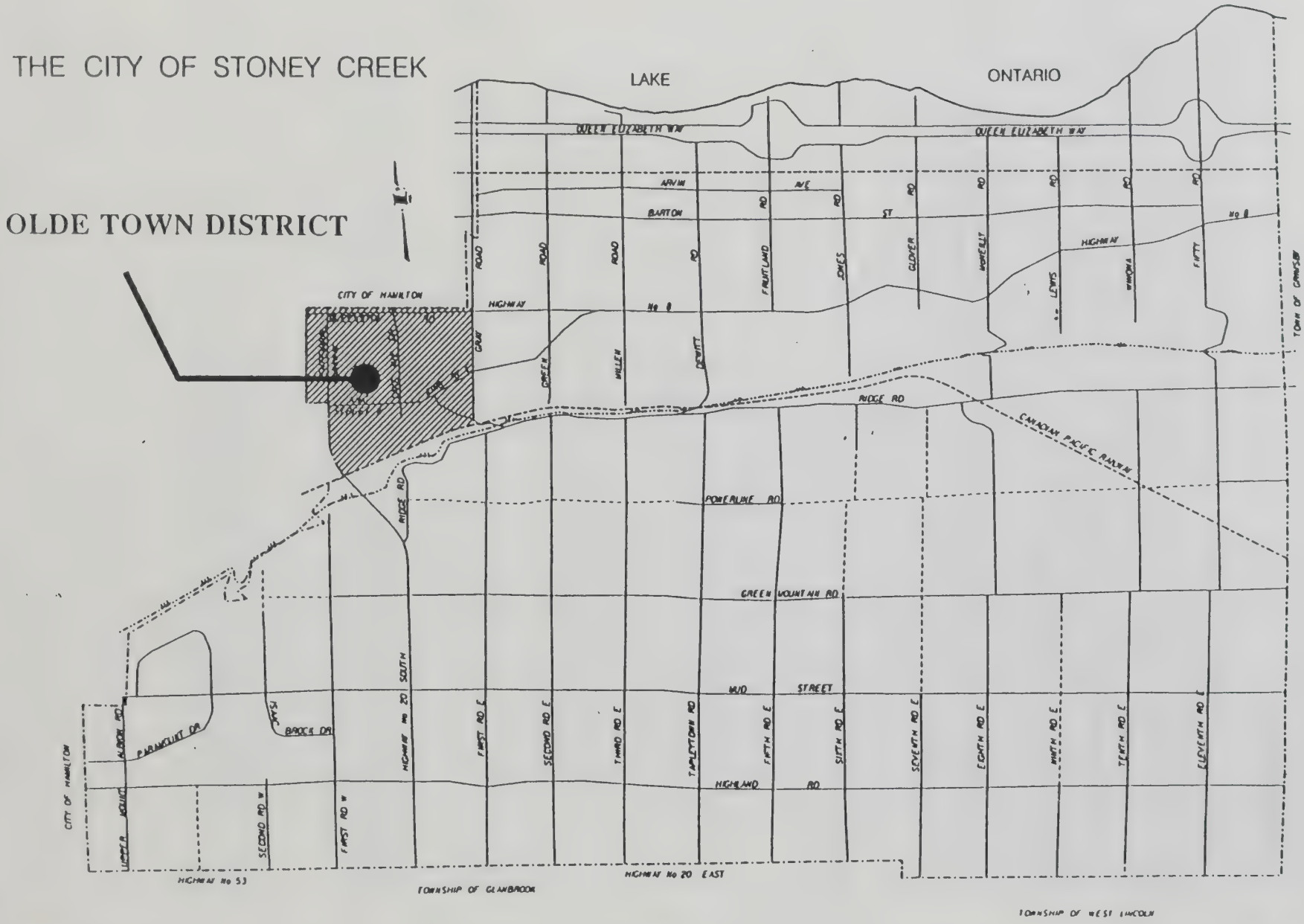
CONCLUSION:

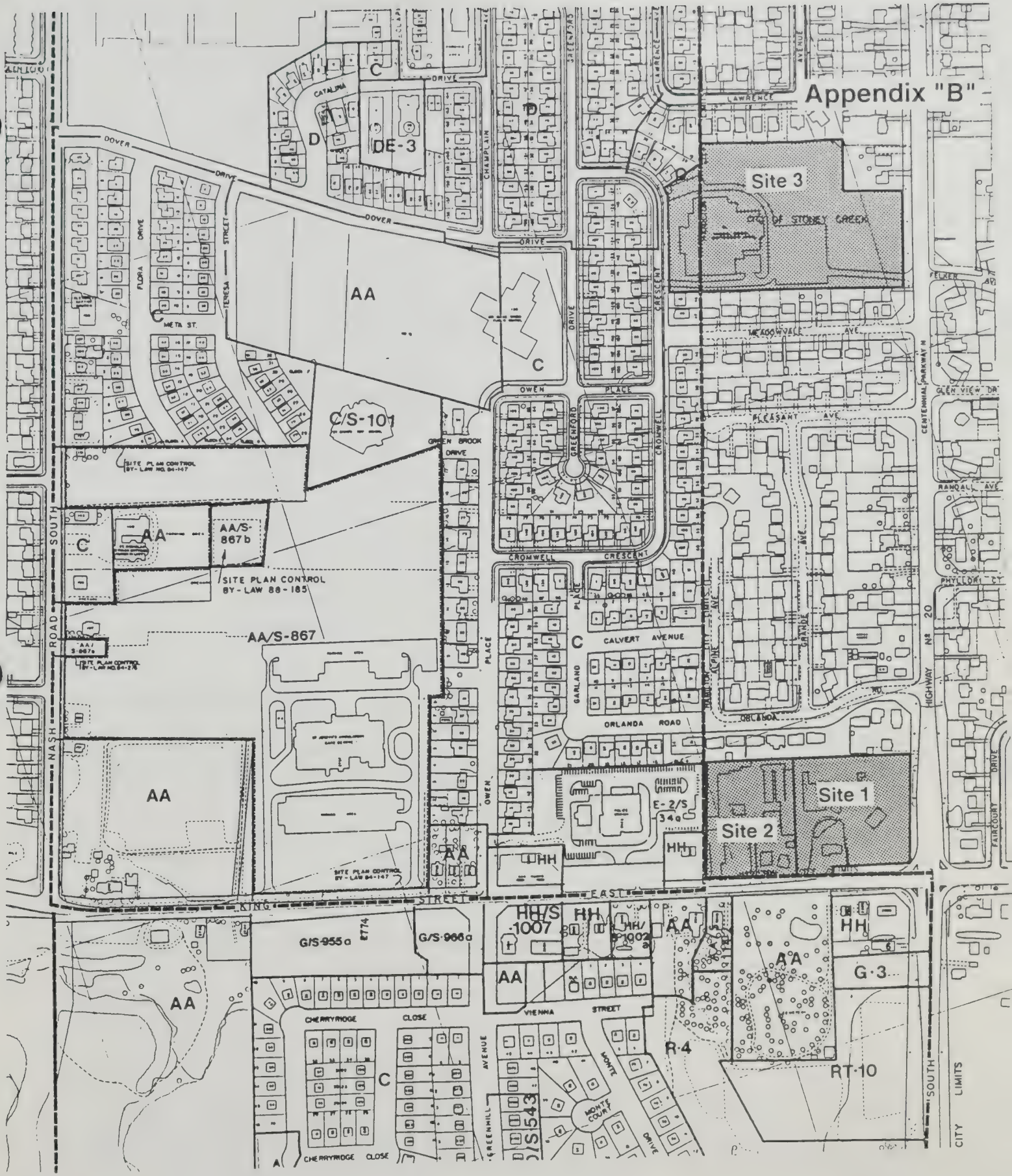
Based on the foregoing, it would be appropriate for the City of Hamilton to request:

a) the Regional Municipality of Hamilton-Wentworth to defer the MEDIUM DENSITY designation on Schedule A5 - Secondary Plan and Policy 13.5.15 of the City of Stoney Creek Official Plan Amendment No. 66 (Olde Town Secondary Plan) until such time as the City of Hamilton and the City of Stoney Creek can resolve the planning matters related to the Cardinal Newman High School site.

b) the City Clerk to inform the City of Stoney Creek of the City of Hamilton's request for deferral for the above noted policies and Secondary Plan designation.

APPENDIX "A"


THE CITY OF STONEY CREEK
OLDE TOWN DISTRICT
LAKE
ONTARIO
QUEEN ELIZABETH WAY
QUEEN ELIZABETH WAY
ARVIN AVE
BARTON ST
HIGHWAY No 8
CITY OF HAMILTON
RIDGE RD
POWERLINE RD
CANADIAN PACIFIC RAILWAY
GREEN MOUNTAIN RD
MUD STREET
HIGHLAND RD
PARAMOUNT DR
BROCK DR
UPPER JAMES
UPPER WENTWORTH
HIGHWAY No 20 SOUTH
FIRST RD E
SECOND RD E
THIRD RD E
TAPLEYTOWN RD
FIFTH RD E
SIXTH RD E
SEVENTH RD E
EIGHTH RD E
NINTH RD E
TENTH RD E
ELEVENTH RD E
FIRST RD W
SECOND RD W
HIGHWAY No 53
HIGHWAY No 20 EAST
TOWNSHIP OF GLANBROOK
TOWNSHIP OF WEST LINCOLN
TOWN OF GRIMSBY



Legend

Sites Location Map

DF)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 1 3 1997

DATE: 1997 January 10
DA-96-23
Homeside Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Amendment to Site Plan Control By-law 79-275 to incorporate lands at 130-136 Kenilworth Avenue North

RECOMMENDATION:

That Site Plan Control By-law No. 79-275, as amended, be further amended to include lands at 130-136 Kenilworth Avenue North, as shown on the attached map marked as APPENDIX "A".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The subject lands are zone "H" (Community Shopping and Commercial, etc.) District which is not subject to Site Plan Control. The Committee of Adjustment, on 1996 January 3, approved three variances based on a proposed site plan. The Committee made the approval of these variances conditional upon "a Site Plan Control Agreement is to be effected before the development proceeds". Consequently, Site Plan Control Application DA-96-23 was submitted on 1996 October 2.

As a result of this application, three further variances were identified as a result of a revised site plan proposal and these will be considered by the Committee of Adjustment at their meeting of 1997 January 22.

The Site Plan application has been reviewed by the various Departments and agencies and all the issues have been addressed subject to various conditions as detailed in the report to be considered by the Ward Alderman and the Chairman of the Planning and Development Committee. It is anticipated that this report will be signed prior to Committee's consideration of the subject report. Since the Site Plan Control Agreement cannot be signed unless the lands are included in the Site Plan Control By-law, then it is appropriate to amend By-law No. 79-275 to include the lands at 130-136 Kenilworth Avenue North under Site Plan Control.

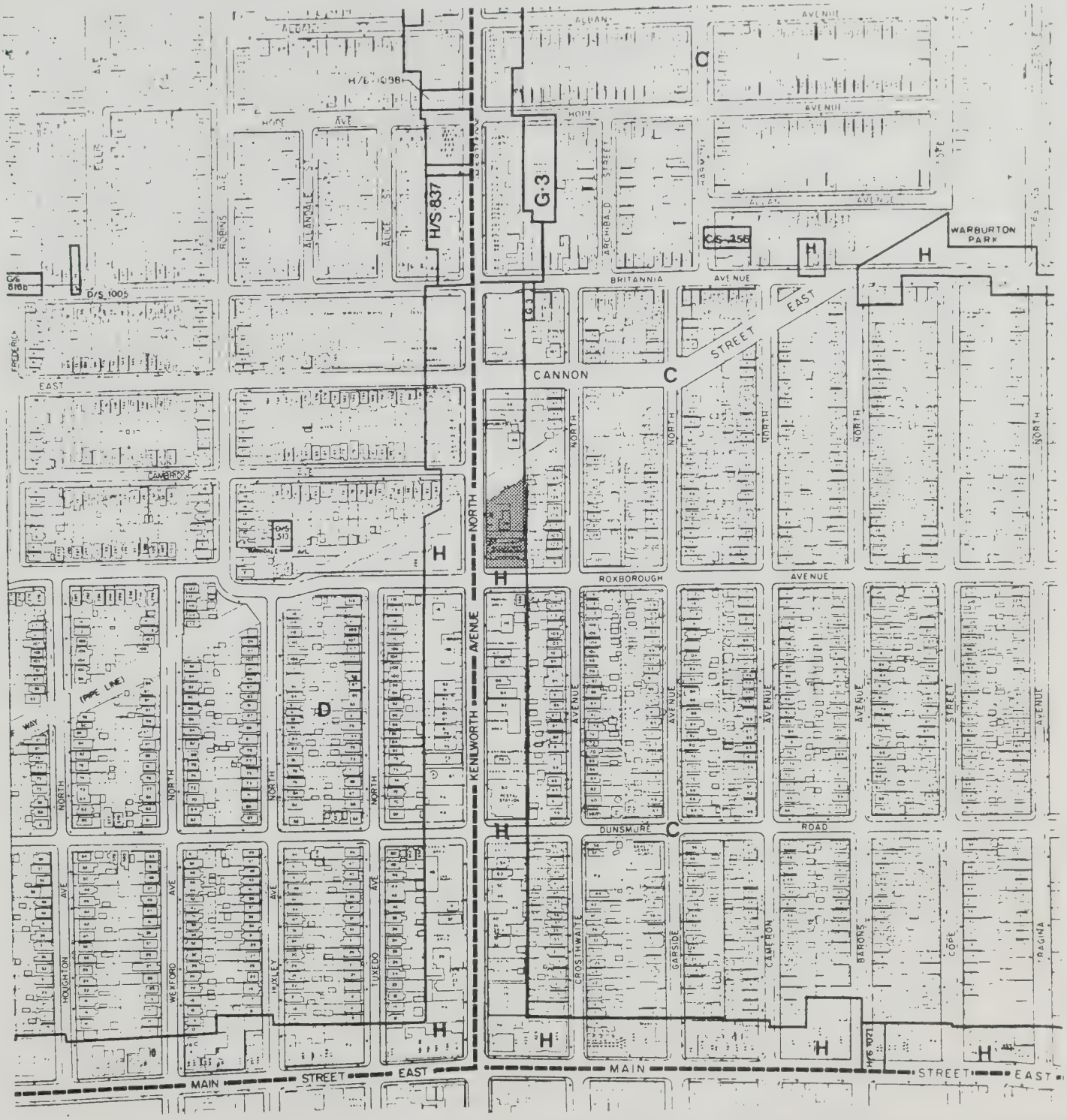
CONCLUSION:

Based on the foregoing, Site Plan Control By-law No. 79-275 should be amended to include lands at 130-136 Kenilworth Avenue North.

CLF/DA-96-23
By-law No. 79-275

CROWN POINT EAST 34

HOMESIDE 66



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-96-23

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-96-23
	Date	Drawn By
	OCTOBER 1996	R.L..

Dg)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 15 1997

DATE: 1997 January 10
B-96-6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

P. Noé Johnson
City Solicitor

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing respecting No. 85 Mountain Avenue

RECOMMENDATION:

That the appropriate staff (eg. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to approve Application No. B-96-6, respecting a land severance for lands located at No. 85 Mountain Avenue, as shown on the attached map marked as APPENDIX "A".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time will be required for the Ontario Municipal Board hearing, for one representative from the Planning and Development Department (approximately $250) and one from the Law Department (approximately $1,000), for preparation and attendance. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

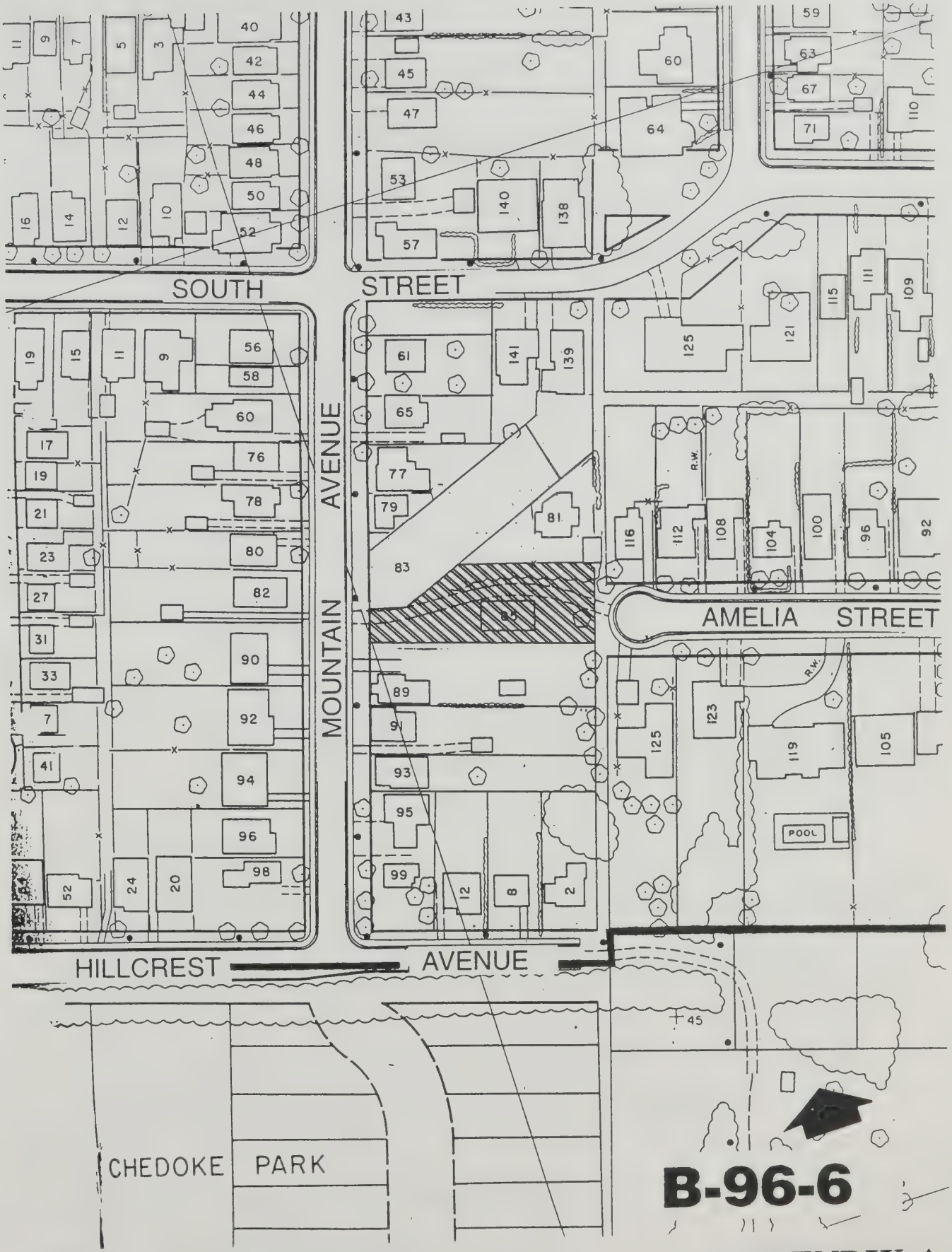
BACKGROUND:

Committee of Adjustment application B-96-6 has recently been appealed to the Ontario Municipal Board. At its meeting of September 11, 1996, the Committee accepted the Planning and Development Department's recommendation and approved the application. The proposal is to permit a land severance at No. 85 Mountain Avenue (see APPENDIX "A"), creating a 695.9 m^2 lot fronting onto Amelia Street, for development for a single-family dwelling. The lands to be retained have a lot area of 516.9 m^2. An existing dwelling is currently located at 85 Mountain Avenue and would be relocated to be fully contained on the lands to be retained. A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M


SOUTH STREET
MOUNTAIN AVENUE
AMELIA STREET
HILLCREST AVENUE
CHEDOKE PARK
POOL
R.W.
B-96-6

APPENDIX A

DH)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 15 1997

DATE: 1996 December 2
S702-46 P. Strong
S705-35

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: **"BAR-BROCK ESTATES - PHASE 4"**
"EAGLEVIEW ESTATES - PHASE 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of $21,250.00 as a cash payment in lieu of the 5% land dedication in connection with Bar-Brock Estates - Phase 4, and $23,750.00 as a cash payment in lieu of the 5% land dedication in connection with Eagleview Estates - Phase 1, Hamilton, being the cash payments required under Section 51.1 of the Planning Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

"BAR-BROCK ESTATES - PHASE 4"
"EAGLEVIEW ESTATES - PHASE 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

BACKGROUND:

"BAR-BROCK ESTATES - PHASE 4", Hamilton

The owner of Bar-Brock Estates - Phase 4 (Silvestri Investments) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $21,250.00.

The lands of Bar-Brock Estates - Phase 4 are located north of Rymal Road East between Upper Sherman Avenue and Upper Gage Avenue in the Eleanor Neighbourhood.

The owner is not required to convey any lands from their plan of subdivision for park purposes, since the City of Hamilton has acquired sufficient lands for the Neighbourhood Park within the Eleanor Neighbourhood.

"EAGLEVIEW ESTATES - PHASE 1", Hamilton

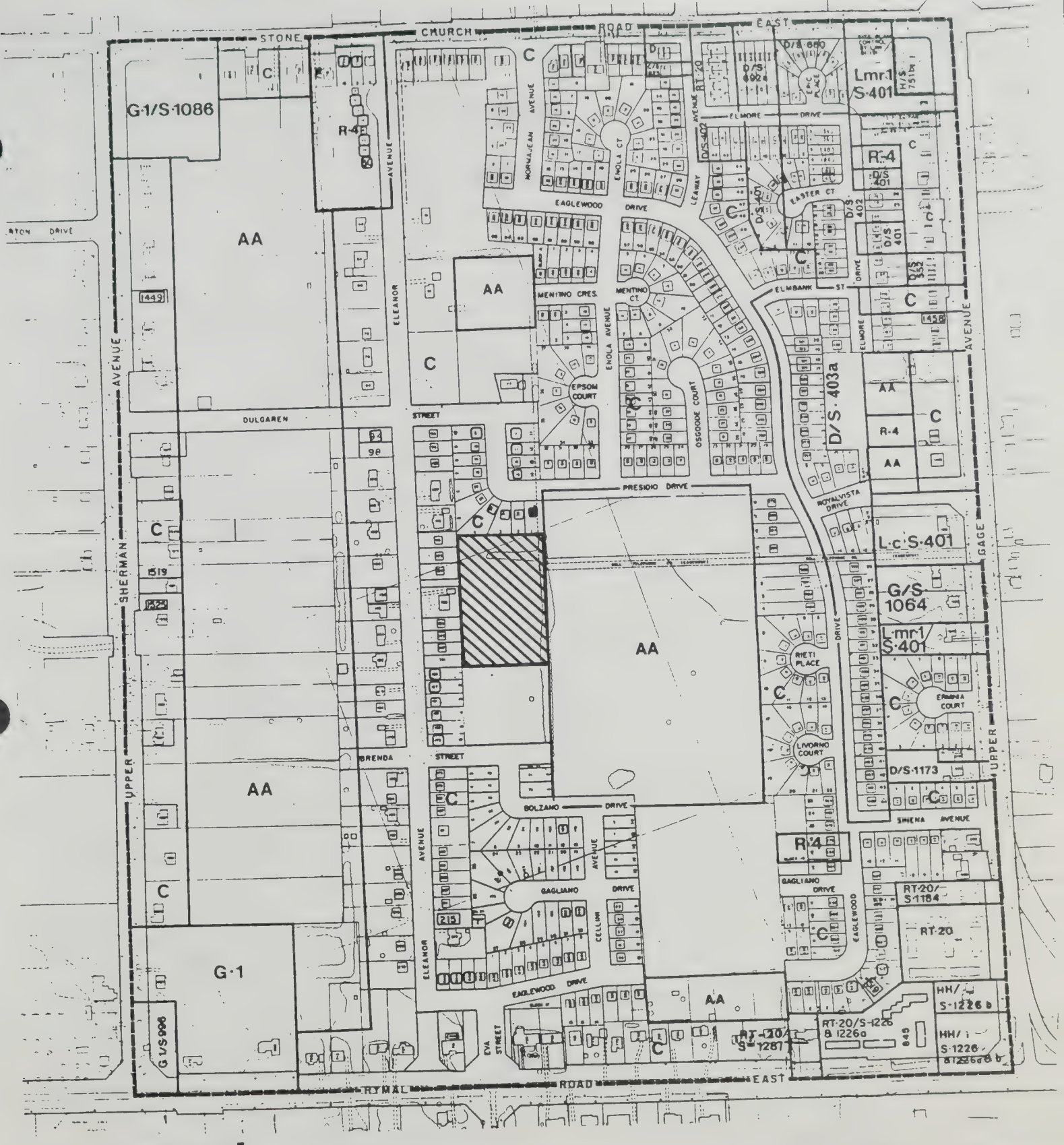
The owner of Eagleview Estates - Phase 1 (Harp Homes Limited) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $23,750.00.

The lands of Eagleview Estates - Phase 1 are located north of Rymal Road East between Upper Sherman Avenue and Upper Gage Avenue in the Eleanor Neighbourhood.

The owner is not required to convey any lands from their plan of subdivision for park purposes, since the City of Hamilton has acquired sufficient lands for the Neighbourhood Park within the Eleanor Neighbourhood.

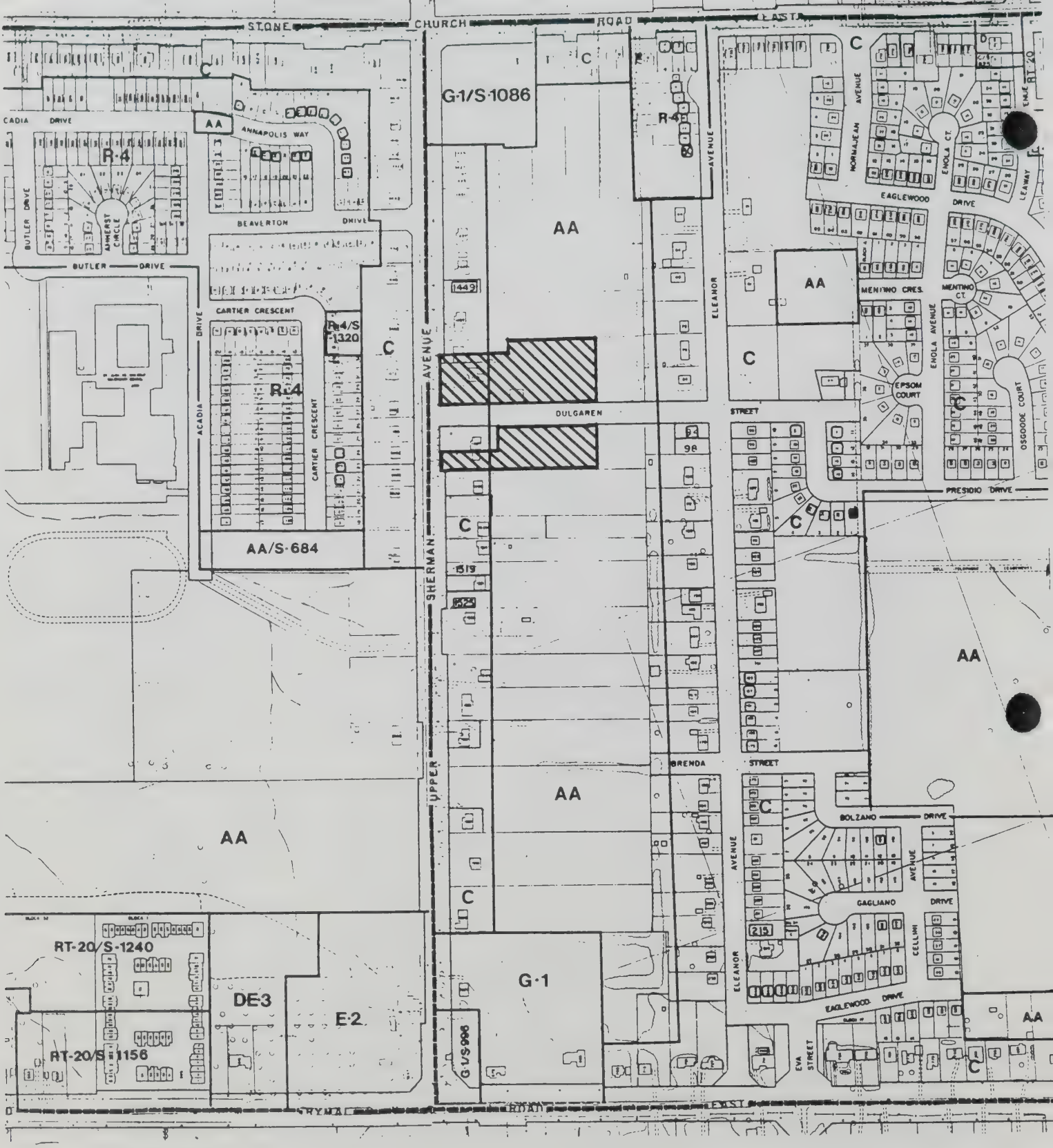
ps
cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department



Legend

Bar-Brock Estates - Ph.4

S702-46



Legend

Eagleview Estates - Ph.1

S705-35

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 January 15

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner re: Clean Soils Inc. - Pier 26, Eastport Development, 605-609 James Street North, dated 1996 November 20.

(b) Regional Clerk's Office re: Proposed Niagara Escarpment Plan Amendment PC/113/96, Heritage Policies for Second Dwellings, dated 1996 December 4.

(c) Secretary, LACAC re: LACAC Minutes of 1996 November 11, dated 1996 December 9.

(d) City Solicitor re: OMB - Hamilton Harbour Commissioners Appeal, dated 1996 December 4.

(e) Commissioner of Public Works and Traffic re: Barton general BIA Strategic Plan, dated 1996 December 10.

(f) Secretary, LACAC re: LACAC Minutes of 1996 December 9, dated 1996 January 13.

(g) Director of Planning and Development re: Approved Site Plan Control Applications, dated 1997 January 10.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:N/A

BACKGROUND:N/A

URBAN\MUNICIPAL
CA4 ON HBL A05
C 51 P4
1997



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

Wednesday, 1997 February 5
9:30 o'clock a.m.
Room 233, City Hall

FEB 4 1997

T Agnello.

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. City Initiative 91-I, Mobile Signs

   Submissions: a) George Langadinos, Hamilton Wentworth Home and District Mobile Signs Association, 38A Bigwin Rd.,Box 55 Hamilton

   b) Dr. Henry Muggah, McMaster University

2. **REFERRALS BACK FROM COUNCIL**

   a) Mr. and Mrs. Mohammed, request for OHRPD funds

   b) Sesquicentennial Banners

3. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   Zoning Application 96-12, by 583783 Ontario Inc. (D. and F. Steller) for modification to "E-1" district for lands located at 10 Herkimer Street and 9 and 11 Charlton Avenue West.

4. **CONSENT AGENDA**

5. **OTHER BUSINESS**

6. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	ZAC-93-42 : Rear of 1094 Upper Sherman Avenue, By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Ave.
3.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
4.	Zoning Requirements for Gambling Locations	1996 May 22	Referred to staff for report	Planning and Building Department staff to prepare report
5.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov 1
6.	Mobile Sign By-law	1996 July 3	Committee to be struck composed of staff and members of the mobile sign industry	To report back in one year (i.e. by July 3 1997)
7.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
8.	Illegal Mobile Signs	1996 October 23	Planning, Building, Law, and Transportation/Environment Depts.to draft report on a) plan for removal of illegal mobile signs and, b) allow for strict penalties in Streets By-Law	Report Forthcoming
9.	Rendering plants	1996 October 23	Public meeting to be held and performance standards to be established	Report Forthcoming
10.	Downtown Charette	1996 October 23	Planning Department to review and prepare a report	Report Forthcoming
11.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
12.	ZA-96-11, 73 Garfield Avenue South	1996 November 20	Ward Alderman, residents and applicant to meet	Tabled to 1997 January
13.	ZAC-96-05, SAC-96-01, 177 Rymal Rd. E. and 1684 Upper Wellington St.	1996 December 4	Applicant and Neighbouring property owner to resolve property concern	1997 January 22 further tabled to 1997 February 19

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
14.	ZAC-96-12, 10 Herkimer st. and 9 & 11 Charlton Avenue	1996 December 4	Pending Identification of all Minor Variances	Tabled to 1997 January
15.	Resurrection of the Kirkendall/Chedoke Modified Neighbourhood Plan review Committee	1996 December 4	Alderman Request to table	Tabled
16.	Planning Tariff Fees	1997 January 22	Further Information requested	Tabled

1997 January 30

7.

CITY OF HAMILTON

- RECOMMENDATION -

JAN 3 0 1997

DATE: 1997 January 29
CI-91-I

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Len King, P. Eng.
Building Commissioner

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Mobile Signs

RECOMMENDATION:

That approval be given to City Initiative 91-I, to regulate mobile signs on private property in accordance with Section 210 Municipal Act, and that the by-law attached as APPENDIX "A" be forwarded to Council for approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Building Department has estimated that yearly revenues will total approximately $200,000.00. With an implementation date of April 1, 1997 the revenue for 1997 will be $150,000.00. It is anticipated that some of the work required to enforce the new by-law will be performed by existing staff by utilizing a new computer tracking system for the permits and by optimizing inspection by generalist inspectors. The sign permit tracking system can be accommodated on the Department's new comprehensive building computer system for a modest cost. With respect to staffing implications, an additional Building Inspector will be required in order to implement the by-law and to ensure that anticipated revenues are realized.

BACKGROUND:

City Council, on 1996 July 9, adopted the following recommendation of the Planning and Development Committee regarding mobile signs:

"2. That approval be given to City Initiative 91-I, to regulate mobile signs on private property on the following basis:

(a) (i) That the Building Commissioner be directed to pro-actively enforce the current regulations of Zoning By-law No. 6593 as it applies to mobile signs on private property;

(ii) That the Appropriate City Authority be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

(iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing the by-law;

(b) That the Building Commissioner be directed to compile an inventory of all mobile signs deemed non-conforming under the by-law to be passed under the Municipal Act (APPENDIX "B" attached); and,

(c) That the by-law to regulate mobile signs on private property, in accordance with the provisions of the Municipal Act, (see attached APPENDIX "B") not be passed by Council until the Building Commissioner has advised that the inventory of the non-conforming mobile signs has been completed and illegal signs have been identified."

Further, the Planning and Development Committee, at their 1996 July 3 meeting, directed:

> "that a working committee be struck composed of staff members and member of the mobile sign industry and that the committee report back in one year."

At their meeting of 1996 September 18, the Committee requested that staff include those who had expressed opposition to mobile signs on the working committee being set up to review the mobile sign by-law.

The Mobile Sign Working Committee was established (see APPENDIX "B" for list of participants) and has met on seven occasions (1996 October 11 and 24, November 7 and 21, December 5 and 19 and 1997 January 9).

In addition, four status reports have been considered by the Planning and Development Committee at their meetings of 1996 October 2 and 23, November 6 and December 4.

The Planning and Development Committee, at their meeting of 1996 December 4, recommended to Council, approval of the draft by-law to regulate mobile signs on private property, amended from the 1996 July 3 draft, to delete the prohibition of third party advertising.

City Council, at its meeting 1996 December 11, referred back to Planning and Development Committee, the draft by-law to regulate mobile signs on private property (see APPENDIX "C" attached) and three related pieces of correspondence (see APPENDIX "D" attached).

Planning and Development Committee, at their meeting of 1997 January 22, authorized staff to schedule a Public Meeting on 1997 February 5 to consider a number of changes to the draft by-law considered by the Committee 1996 July 3.

REPORT:

The Mobile Sign Working Committee, as noted previously has met on seven occasions. In addition to discussing the specifics of the draft by-law, the Committee were also given status reports on the inventory and proactive enforcement on the public road allowances and private property. In reviewing the specifics of the draft by-law, all the mobile sign leasing company representatives on the Working Committee (except for one) identified a number of issues in the draft by-law as follows:

- to increase the number of days a mobile sign can be located on a property from 90 days (6-15 day permit periods) to 180 days (12-15 day permit periods) per year;

- to allow permits be registered per business, not per property;

- to eliminate the hiatus periods between rental periods;

- to allow the mobile sign companies set up accounts with the City to streamline the permit approval process;

- to reduce the minimum separation distance between 2 signs on the same property from 30 m to 15 m;

- to reduce the variance fee of $300 to a more affordable fee (ie. $75); and,

- to license companies operating mobile sign leasing businesses in the City.

Discussion of Issues from the Mobile Sign Working Committee

Increase in Permit Periods

Section 14(a) of the previous draft by-law (APPENDIX "C") stated that a maximum total number of days per year that a mobile sign can be located on a property was 90 days (6-15 day permit periods). The survey of municipalities done previously for this study indicated that time periods range from 30 days per year to 210 days per year. The City of Brampton has no time limit, but charges $35 for each two week display period.

Given the experience of other municipalities and the deliberations of the Working Committee, there is merit to increasing the time period to 180 days (12-15 day permits or as many as 3-60 day periods of 4 consecutive 15 day permits) per year provided that other factors (ie. hiatus period per property and number of signs per property) are maintained.

Permits Allocated Per Property

Section 11 of the previous draft by-law (APPENDIX "C") limited the number of sign permits issued for any "property" to 12 permits per year. This provision tied the permit to the property and did not allow for other tenants on the property to use a sign. Once the permit periods were used up on a property, then no sign was to be permitted on the property for the rest of the year.

If the permits are allocated per business, then the maximum number of days a permit is issued runs with the business and not the property. This proposal has merit provided the number of signs per property continues to be limited.

Hiatus Period

Section 8 of the previous draft by-law (APPENDIX "C") required a "hiatus period" of 30 days between mobile sign permits issued for a property. During this hiatus period, no permit will be issued for the same property unless thirty days have passed since the last permit for that property. The operators proposal to eliminate the hiatus period cannot be supported.

The hiatus period should be maintained in the by-law to ensure that these signs do not become "permanent". In addition, it is proposed that the hiatus period should be consistent with the same number of consecutive days that the previous permit(s) was issued (ie. if a permit has been issued for 60 days on the property, than the next permit for that property cannot be issued for 60 days).

Permit Processing
Sections 3 to 17 of the previous draft by-law (APPENDIX "C") dealt in general terms with the permit process for mobile signs. The setting up accounts and developing a permit process is a procedural matter not covered in the previous draft by-law (APPENDIX "C") or the proposed by-law (APPENDIX "A"). The Building Department advises that accounts with the mobile sign leasing companies can be set up with the City and payment can also be by Visa or Mastercard. To streamline the process, applications could be faxed in and approvals out.

Minimum Separation Distance
Section 7 of the previous draft by-law (APPENDIX "C") established a minimum separation distance between two signs on the same property at 30 m. This provision permitted up two signs on one property only where there was a minimum separation distance of 30 m. This distance separation is reasonable to avoid clutter and enhance the streetscape and, on this basis, should be maintained in the by-law.

Variance Fees
Section 19(b) of the previous draft by-law (APPENDIX "C") established the fee for variances at $300. This fee was based on full cost recovery for processing (ie. inspections, review by departments, report to Planning and Development Committee and Council). On this basis, there is no reason to reduce the fee charged for variances.

Licensing
In their deliberations, the mobile sign operators on the Working Committee felt very strongly that the City should license mobile sign leasing companies carrying on business in the City. It was their position that licensing would keep the leasing companies doing business in the City accountable for unprofessional actions.

The City Clerk's Department, which administer licensing activities, has advised (as noted in previous reports on this matter) that the City has been deregulating a number of license categories in favour of other options. In this regard, they suggest that other options be pursued for mobile signs (ie. proactive enforcement). Based on these comments, licensing operators cannot be supported.

Other Issues

Third Party Advertising

Further to advice previously provided by the Law Department, an earlier draft of the mobile sign by-law was amended to delete the regulation of third party mobile signs to avoid a constitutional battle relating to the content of advertising.

City Sponsored Events

The draft by-law includes a provision exempting "City sponsored events" from the $35 permit fee. The Culture and Recreation and the Public Works and Traffic Departments advised that clarification of a "City sponsored event" was desired.

The previous draft by-law (APPENDIX "C") would not permit mobile signs in most City parks since they are located in residential Districts (eg. "C", "D", "E", etc. Districts). The intent of this provision had been to permit mobile signs only in commercial and industrial districts. Allowing mobile signs in residential Districts would create a significant visual intrusion and, given the typically smaller lot sizes, could increase the numbers of such signs. Parks however, generally have larger lot frontages and could meet the other regulations in the by-law (e.g. the number of signs per property, setbacks, separation distances between other mobile signs and from a residential district). On this basis, the impact of such signs in parks would be less significant. Further, in keeping with a park's function as a community resource, it is appropriate to ensure that such signs are limited to City or Regional Council approved special events.

On this basis, modifications to permit mobile signs in City-owned parks, notwithstanding the zoning District in which the park is located, for only City of Hamilton or Regional Council approved special events, can be supported.

Pedestrian Pathways Committee

A representative of the Region's Pedestrian Pathways Committee had advised that clarification was needed in the previous draft by-law (APPENDIX "C") to ensure a mobile sign is placed on a property in a manner such that it will not pose a danger for those pedestrians with physical disabilities, including sight impairment. A refinement to the by-law to accommodate this concern can be supported.

Recommended Changes to the Draft By-law

Based on the input received from the Mobile Sign Working Committee and input for other Departments, a number of changes and refinements to the draft by-law to regulate mobile signs on private property, considered by the Planning and Development Committee at their Public Meeting of 1996 July 3, can be supported as follows:

- delete reference to prohibition of third party advertising;
- increase the maximum number of days per year from 90 days to 180 days;
- increase the maximum permit period from 15 days to 60 days (a maximum of 4 consecutive 15 day permits);

- cost of each 15 day permit increment remains at $35;

- modify the hiatus period from 30 days to be equal to the time period on the most recent mobile sign permits on the property (eg. if a permit is issued for 30 consecutive days then a hiatus period of 30 consecutive days must elapse before another permit can be issued for the same property);

- change permits issued per property to permits issued per business, subject to the hiatus restrictions;

- clarify "City sponsored events", and permit mobile signs only for City of Hamilton and Regional Council approved special events in municipally owned parks, notwithstanding the zoning district in which the park is located.

CONCLUSION:

Based on the foregoing, the City Initiative to regulate mobile signs on private property can be supported, and the implementing by-law, attached as APPENDIX "A", be forwarded to Council for approval.

CLP\PL
CI-91-I

The Corporation of the City of Hamilton

BY-LAW NO. 96-

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF MOBILE SIGNS ON PRIVATE PROPERTY WITHIN THE CITY OF HAMILTON

WHEREAS Section 210, paragraph 146 of the Municipal Act R.S.O. 1990, c.M. 45, authorizes a council of a local municipality to pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof,

AND WHEREAS the Council of The Corporation of the City of Hamilton has deemed it desirable to enact a by-law regulating the size, use, location and maintenance of mobile signs on private property for the purpose of ensuring that mobile signs minimize hazards to pedestrian and vehicular traffic,

AND WHEREAS Council has deemed it desirable to enact a by-law which imposes restrictions on the number of mobile sign permits that will be issued and to limit the amount of time a mobile sign can be placed in one location for the purpose of maintaining and preserving the aesthetic integrity of the urban landscape,

AND WHEREAS Council is empowered under Section 326 of the Municipal Act, R.S.O. 1990, c.M.45, to require compliance with this by-law, and upon default of such compliance, may carry out such corrective action as is deemed appropriate and may recover the expenses incurred in doing so in like manner as municipal taxes,

AND WHEREAS Council is empowered under Section 320 of the Municipal Act, R.S.O. 1990, c.M.45 to impose fines for the contravention of any by-law,

NOW THEREFORE the Council for The Corporation of the City of Hamilton ENACTS as follows:

ADMINISTRATION AND GENERAL PROVISIONS

Definitions

1. In this By-law,

(a) "agent" means a person designated by another person to act on his behalf;
(b) "applicant" means a person applying for a mobile sign permit under this By-law;
(c) "business" means any one activity, dealing, occupation or trade of either a commercial, industrial or professional endeavour as carried out or engaged in, at an establishment;
(d) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the City of Hamilton and includes his designate;
(e) "City" means the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;
(f) "commercial district" means property that is zoned commercial as defined under City of Hamilton Zoning By-law 6593 as amended;
(g) "commercial or industrial complex" includes a shopping centre, shopping mall, shopping plaza, strip plaza, mall or place and is a group of three or more commercial uses excluding professional and administrative offices;
(h) "Corporation" means The Corporation of the City of Hamilton;
(i) "Council" means the Council for The Corporation of the City of Hamilton;
(j) "daylight triangle" means an area of a corner lot which is determined after the side lot line adjacent to the street and the street lot line have been extended to their point of intersection and by measuring from the point of intersection of the two lot lines a distance of 9.0m, along each lot line and joining such points with a straight line. The triangularly-shaped land between the point of intersection of such lot lines and the straight line joining the points at the designated distance along each such lot line shall be known as the "daylight triangle";
(k) "downtown core" means the area shown on Schedule "A" of this By-law;
(l) "electronic variable message centre (EVMC)" means an illuminated sign or part thereof which is computer controlled and which displays information to the public or attracts attention to the message by way of a pre-arranged or variable sequence of electronically generated letters, words, light patterns or shapes;

(m) "erect" includes the placing of, arranging for the placing of, the renting of, or the leasing of;

(n) "flashing mobile sign" means a mobile sign equipped with an intermittent or flashing light source;

(o) "street lot line" means the line that divides a lot from a street, but not a lane or alleyway;

(p) "grade" means the average level or elevation of the finished surface of the ground adjoining a building at all of the exterior walls or the mobile sign structure at the point of contact with the ground but shall not include any artificial embankment or planter box;

(q) "hiatus period" means a time period equal to the most recent length of time that a mobile sign permit or a series of consecutive mobile sign permits have been issued for a property. A hiatus period cannot be any less than fifteen (15) days. A hiatus period shall follow the placement of each and every mobile sign on a property.

(r) "illumination" means lighting of the sign, in whole or in part by artificial means. Internal illumination means lighting the sign face with a light source located within the sign; external illumination means having a light source exterior to the sign and on, or directed at the sign, and flashing illumination means illumination that varies and is perceived to vary in intensity or design at periodic intervals;

(s) "industrial district" means property that is zoned industrial and defined under City of Hamilton Zoning By-law 6593 as amended;

(t) "message board" means that part of a sign on which the copy, characters, symbols or letters used to create the sign message are displayed, and "display surface" shall have a similar meaning;

(u) "mobile sign" means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

(v) "mobile sign permit" means a mobile sign permit issued by the Chief Building Official or his designate pursuant to the provisions of this By-law for the legal display of a mobile sign;

(w) "motorized vehicle" means an automobile, truck, motorcycle or similar self-propelled means of transport but does not include a trailer;

(x) "multiple address location" means a location where two or more municipal addresses are contained in the same commercial or industrial complex or place;

(y) "permit holder" means a person who holds a valid mobile sign permit issued under this By-law;

(z) "person" means an individual, firm, corporation, association, business or partnership and includes an owner and lessee of a property;

(aa) "premises" means specific property, and includes all buildings and accessory structures thereon;

(bb) "property" means and refers to the location where a sign is to be positioned for display, or is displayed, or can be a reference to a specific street address of a business and includes a multiple address location;

(cc) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;

(dd) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;

(ee) "sign area" means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border shall include all the area of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign;

(ff) "sign height" means the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame; and,

(gg) "unsafe sign" means a sign which is either structurally unsafe, or which constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which would otherwise constitute a risk to the safety of persons or premises.

Administration

2. The Chief Building Official or his designate shall:
   (a) receive and process all applications for mobile sign permits required under this By-law;
   (b) administer the issuance of mobile sign permits in accordance with provisions of this By-law;
   (c) maintain and keep records of all applications received for mobile sign permits and records of all mobile sign permits issued;
   (d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

Mobile Sign Permits

3. No person or his agent shall erect, display or otherwise use a mobile sign, without first obtaining a mobile sign permit as provided by this By-law.

4. A person or his agent, may obtain a mobile sign permit if:
   (a) he completes an application form provided by the Chief Building Official or his designate;
   (b) he files, as may be required by the Chief Building Official, in duplicate, a sketch of sufficient detail and quality as is necessary to ascertain whether or not the mobile sign will be in compliance with this By-law with accurate measurements of distances showing the intended location of the mobile sign and from that location the:
      (i) distance to the nearest street lot line;
      (ii) distance to the nearest edge of pavement of the nearest roadway;
      (iii) distance to the nearest edge of pavement at the intersection of two or more streets;
      (iv) distance to the nearest edge of the nearest mobile sign;
      (v) distance to the nearest edge of a building;
      (vi) distance to the nearest residential property; and
   (c) he files, as may be required by the Chief Building Official, measurements of the size of the mobile sign and it's supporting framework.

5. The number of days that a mobile sign is erected or displayed, shall be determined from the date and including the day of permit issuance, or date of erection if the mobile sign was erected prior to permit issuance.

6. The Chief Building Official or his designate may require a person, or his agent to provide proof of interest either as a lessee, renter, tenant or owner of the property on which the mobile sign is to be located, and/or a legal survey of the property on which the mobile sign is located or is intended to be located.

7. At any one property a maximum of two (2) mobile signs may be erected at any one time provided that there is a minimum distance of 30 meters between each mobile sign on the same property in accordance with Section 8.

8. No mobile sign permit shall be issued for a property at a municipal address or location where a hiatus period has not transpired.

9. No person shall make application for a mobile sign permit who is not the owner, or the authorized agent of the owner of the property on which the mobile sign is to be placed.

10. No person, or his agent shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a mobile sign permit, or revision thereto.

11. No person, or his agent shall apply for or receive mobile sign permits which total more than 360 days for any property within any one (1) calendar year in accordance with sections 7 and 8 above.

12. Applications will be processed in order of date and time received but no permit will be issued for a property which already has a mobile sign permit and until that mobile sign permit and hiatus period have expired.

13. A person or his agent or a permit holder may erect, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign where the sign is not in the "downtown core" (as defined on Schedule "A" to this By-law) and:
    (a) is located on property which is zoned as:
        (i) a "commercial district" including:
            1. the "G" Districts including "G", "G-1", "G-2" and "G-4" [except "G-3" (Public Parking Lot) District]; and
            2. the "H" and "HH" Districts; or
        (ii) an "industrial district" including:
            1. the "J" and "JJ" Districts;
            2. the "K" and "KK" Districts; and
            3. the "M" Districts, including "M-11", "M-12", "M-13", "M-14", and "M-15";
    (b) notwithstanding (a) above, is located in a City owned park and is being used in conjunction with a City of Hamilton or Regional Council approved special event;
    (c) is in good repair and has not become unsafe, unsightly or dangerous;
    (d) is situated at grade;
    (e) where it is electrically illuminated, has Ontario Hydro safety code approval;
    (f) where it is utilizing electrical power, uses only an electrical cord that has C.S.A. approval;
    (g) is located on private property and is not located on a road allowance;
    (h) where it is located within 100 feet (30.5 metres) of a residential zone, is equipped with a timer to turn off the light source in order to eliminate any annoyance to persons in the adjoining residential zones between the hours of 10:00 P.M. and 8:00 A.M.;
    (i) has the name and telephone number of the owner of the mobile sign affixed to the mobile sign at a clearly visible location;
    (j) has not greater than $5.6m^2$ of sign area per face with no one dimension greater than 2.4m; and
    (k) has a sign height that does not exceed 2.4m.

14. No person, or his agent or permit holder, shall erect, permit to be erected, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign on lands or buildings owned, rented, leased or occupied by them:
    (a) for more than 60 consecutive days;
    (b) for more than 180 calendar days per year;
    (c) on a property where a previous mobile sign permit has expired and no further permits are available in accordance with subsections (a) and (b) above;
    (d) the content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the municipality;
    (e) contrary to the approved location on a sketch, and contrary to information on the application, in respect of which the mobile sign permit was issued;
    (f) so as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting;
    (g) at any location where the sign obstructs the sightlines and view or any unimpeded mobility of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device;
    (h) which obstructs or otherwise interferes with an exit door or fire escape, fire exit route, fire hydrant, or yard hydrant so as to prevent or impede the free access of emergency vehicles and personnel to emergency equipment or to any part of a building requiring such access;
    (i) which obstructs or otherwise impedes the parking of a motor vehicle or is situated in a required parking or manoeuvring area;
    (j) with electrical wiring in the path of vehicular or pedestrian traffic;
    (k) which has flashing or moving lights;
    (l) which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion;
    (m) which in whole, or in part is an electronic variable message centre;
    (n) which emits illumination resembling an emergency light or traffic regulating device;
    (o) prior to the issue date set out in the mobile sign permit;
    (p) which would be an unsafe sign;
    (q) within 50 feet (15 metres) of the closest edge of the nearest mobile sign;
    (r) within 30 feet (9 metres) of the intersection of two streets;
    (s) within 50 feet (15 metres) of a residential district;

(t) where the setback from property lines to the mobile sign is less than 1.5 metres;
(u) where the mobile sign is elevated on any temporary or permanent object which is being used as the base for a mobile sign or part of a mobile sign structure;
(v) where the property is zoned anything other than that indicated in section 13;
(w) where the property on which the mobile sign is located is zoned "residential";
(x) where the property on which the mobile sign is situated is located, in the downtown core as shown on Schedule "A" of this By-law;
(y) where two mobile sign permits have already been issued for the property and have not expired;
(z) where a hiatus period has not expired;
(aa) where the mobile sign would not comply with this or any other by-law;
(bb) which has more than two sign faces or any one sign face which exceeds 5.6m^2 in area or has any one dimension that is greater than 2.4m;
(cc) which has a maximum height measured from grade greater than 2.4m; and

15. A person or his agent shall place the mobile sign at the municipal address of the person named on the application.

16. The permit fee as set out in Schedule "B" shall be submitted with each application for a mobile sign permit.

17. The permit fee as set out in Schedule "B" does not apply to an application for a Council or Regional Council approved special event.

REVOCATION OF A PERMIT

18. A mobile sign permit may be revoked by the Chief Building Official or his designate under the following circumstances:
(a) where the mobile sign does not conform to this By-law and amendments thereto;
(b) where the mobile sign does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
(c) where the mobile sign permit has been issued as the result of false, incorrect or misleading statements;
(d) where the mobile sign permit has been issued in error by the Chief Building Official or his designate.

VARIANCES

19. (a) Where the applicant or person in control of a sign for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor variance from the provisions and regulations of this by-law.

The Council shall hear all such applications and may authorize minor variances from the provisions and regulations of this by-law.

(b) All applications for a minor variance shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of three hundred dollars ($300.00). The variance fee shall not be refundable.

PENALTIES AND ENFORCEMENT

Removal of Illegal Mobile Signs

20. (a) When a mobile sign is erected or displayed in contravention of the provisions of this By-law, the mobile sign shall be removed immediately without notice, where located on, over, partly on, or partly over, property owned by or under the jurisdiction of the City of Hamilton;
(b) Where a mobile sign is located on property other than property owned by or under the jurisdiction of the City of Hamilton, the Chief Building Official or his designate may forward a notice, by personal service or regular post, to the Lessee or owner of the sign, or their agents, or to the person or agent having the use or

major benefit of the mobile sign, requiring that the mobile sign be permanently removed within the time specified in the Notice and thereafter not replaced with any mobile sign in contravention of this By-law;

(c) If the Notice is not complied with the Chief Building Official or his designate may require that the municipality, its employees, or an independent contractor enter upon the land and remove such mobile sign. The owner of the land upon which the mobile sign was located shall pay for any costs or expenses of the City. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended from time to time;

(d) where a mobile sign is deemed by the Chief Building Official or his designate to be in such a condition or location that it is or may be a hazard to the public, the Chief Building Official or his designate may either serve written notice to the owner or tenant of the property on which, or in front of which such mobile sign is located, to remove such mobile sign or make the same safe, or without giving notice to the owner or tenant of the property on which such mobile sign is located, cause such mobile sign or structure to be removed;

(e) any sign removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed;

(f) mobile signs removed shall be stored by the City for a period of time of not more than thirty (30) days, during which time the owner or his agent may be entitled to redeem such mobile sign upon the payment to the City of a one hundred dollar ($100.00) fee in addition to any applicable costs or expenses referred to in subsection (c) above;

(g) where a mobile sign has been removed by the City and stored for a period of 30 days and has not been redeemed, such mobile sign shall be forthwith destroyed or otherwise disposed of by the City.

Penalty for Non-Compliance

21. (a) Any person who, on his own or by his agent, contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time to a fine of not more than five thousand dollars ($5,000.00), exclusive of costs, for each offence. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such thereunder. Such fine shall be recoverable under the Provincial Offences Act.

(b) Where a person has been convicted of an offense under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offense.

(c) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

Liability

22. Any persons erecting or maintaining any mobile sign or on whose property a mobile sign is located, shall be liable for such mobile sign. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such mobile sign or part thereof.

Notice

23. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by regular mail addressed to the person making application for permit to erect a mobile sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located, or at the last address for delivery appearing on the records of the Chief Building Official or his designate.

Schedules

24. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

Applicability

25. This By-law shall be applicable to all lands within the corporate limits of the City of Hamilton.

Validity

26. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Meaning

27. For the purpose of this By-law, where the words "his" or "he" is used they shall also mean or stand for the words "her" "she" and "it" in the case of a corporation.

Short Title

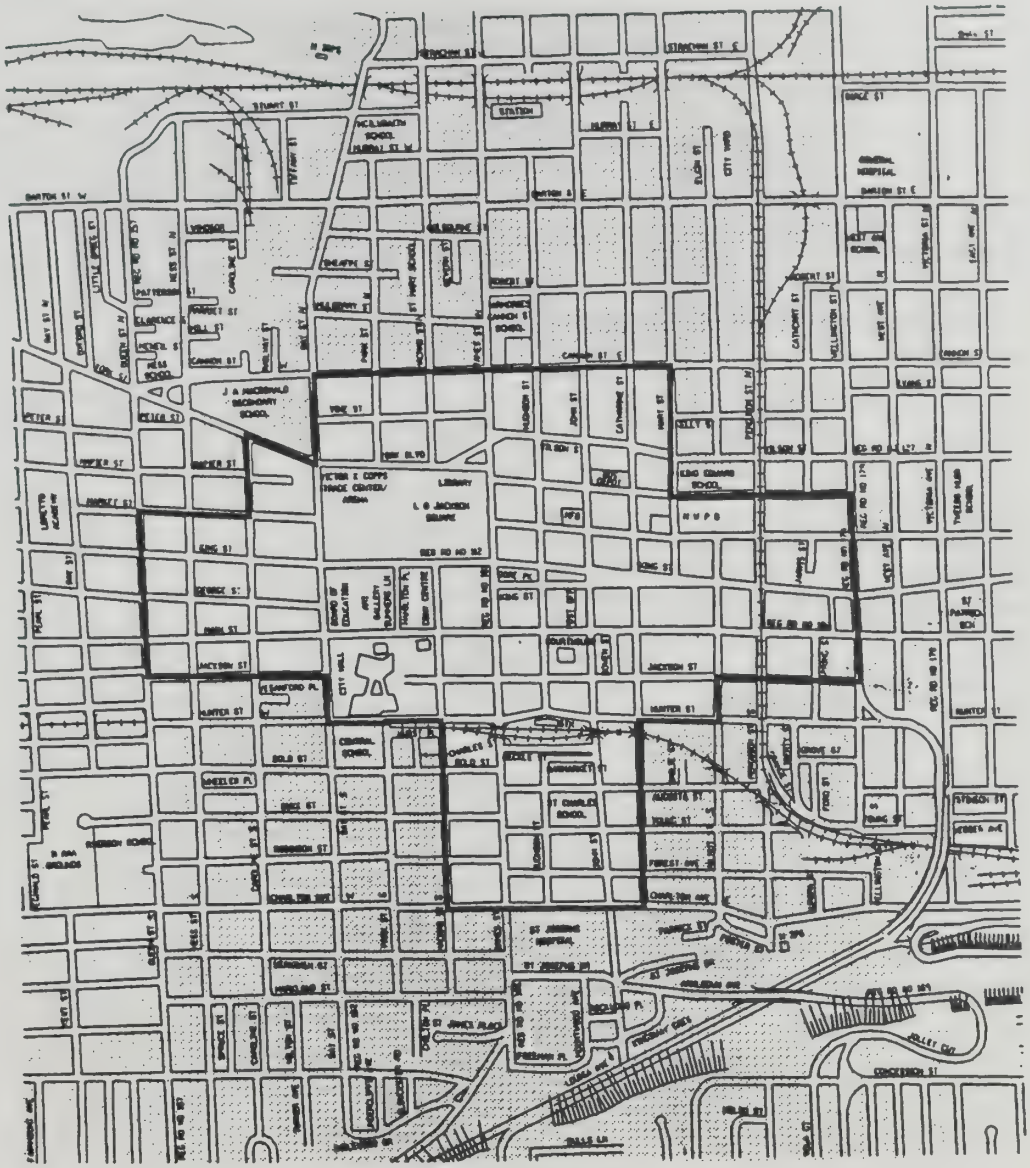
28. This By-law shall be known as the Mobile Sign By-law.

Effective Date

29. This By-law comes into force and takes effect on the 11th day of December, 1996.

PASSED this 10th day of December, 1996,A.D..

CITY CLERK MAYOR



This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ....., 1997.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By-Law No. 97-____

Planning and Development Department

Legend

Delineates Boundary of Downtown Core

North	Scale	Reference File No.
	NOT TO SCALE	CI-91-I
	Date	Drawn By
	January 1997	R.L.

SCHEDULE "B"

PERMIT FEES

All permit applications shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of thirty-five ($35.00) per two week period.

MOBILE SIGN WORKING COMMITTEE **APPENDIX "B"**

PARTICIPANTS

City Staff

Caroline Floroff - Planning & Development Department
George Caetano - Building Department
Bill Young - Public Works & Traffic Department

Mobile Sign Companies

Max Perritt
Davies Signs
139 Abbey Close
Ancaster L9G 4K7

George Langadinos
Hamilton-Wentworth Mobile Sing Assoc. Inc.
38A Bigwin Rd.
Hamilton L8W 3R4

Don MacPhail
Canadian Mobile Sign Association
Ad-vantage Signs
5100 South Service Rd. Unit 27
Burlington L7L 6A5

John Shouten
Eyemark Signs
940 5th Concession W.
R.R. #2
Waterdown L0R 2H2

Simon Ive
1-888-Rent Signs
address no available

Nancy Watt
Mobile Ad of Canada
2500 Industrial St.
Burlington L7P 1A5

Citizens

Henry Muggah (Dr.)
120 Chedoke Ave.
Hamilton L8P HN9

James McLean
Westdale Optical Boutique
1050 King St. W.
Hamilton L8S 1L6

Bill No.C-70

The Corporation of the City of Hamilton

BY-LAW NO. 96-

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF MOBILE SIGNS ON PRIVATE PROPERTY WITHIN THE CITY OF HAMILTON

WHEREAS Section 210, paragraph 146 of the Municipal Act R.S.O. 1990, c.M. 45, authorizes a council of a local municipality to pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof,

AND WHEREAS the Council of The Corporation of the City of Hamilton has deemed it desirable to enact a by-law regulating the size, use, location and maintenance of mobile signs on private property for the purpose of ensuring that mobile signs minimize hazards to pedestrian and vehicular traffic,

AND WHEREAS Council has deemed it desirable to enact a by-law which imposes restrictions on the number of mobile sign permits that will be issued and to limit the amount of time a mobile sign can be placed in one location for the purpose of maintaining and preserving the aesthetic integrity of the urban landscape,

AND WHEREAS Council is empowered under Section 326 of the Municipal Act, R.S.O. 1990, c.M.45, to require compliance with this by-law, and upon default of such compliance, may carry out such corrective action as is deemed appropriate and may recover the expenses incurred in doing so in like manner as municipal taxes,

AND WHEREAS Council is empowered under Section 320 of the Municipal Act, R.S.O. 1990, c.M.45 to impose fines for the contravention of any by-law,

NOW THEREFORE the Council for The Corporation of the City of Hamilton ENACTS as follows:

ADMINISTRATION AND GENERAL PROVISIONS

Definitions

1. In this By-law,

(a) "agent" means a person designated by another person to act on his behalf;
(b) "applicant" means a person applying for a mobile sign permit under this By-law;
(c) "business" means any one activity, dealing, occupation or trade of either a commercial, industrial or professional endeavour as carried out or engaged in, at an establishment;
(d) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the City of Hamilton and includes his designate;
(e) "City" means the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;
(f) "commercial district" means property that is zoned commercial as defined under City of Hamilton Zoning By-law 6593 as amended;
(g) "commercial or industrial complex" includes a shopping centre, shopping mall, shopping plaza, strip plaza, mall or place and is a group of three or more commercial uses excluding professional and administrative offices;
(h) "Corporation" means The Corporation of the City of Hamilton;
(i) "Council" means the Council for The Corporation of the City of Hamilton;
(j) "daylight triangle" means an area of a corner lot which is determined after the side lot line adjacent to the street and the street lot line have been extended to their point of intersection and by measuring from the point of intersection of the two lot lines a distance of 9.0m, along each lot line and joining such points with a straight line. The triangularly-shaped land between the point of intersection of such lot lines and the straight line joining the points at the designated distance along each such lot line shall be known as the "daylight triangle";
(k) "downtown core" means the area shown on Schedule "A" of this By-law;
(l) "electronic variable message centre (EVMC)" means an illuminated sign or part thereof which is computer controlled and which displays information to

variable sequence of electronically generated letters, words, light patterns or shapes;

(m) "erect" includes the placing of, arranging for the placing of, the renting of, or the leasing of;

(n) "flashing mobile sign" means a mobile sign equipped with an intermittent or flashing light source;

(o) "street lot line" means the line that divides a lot from a street, but not a lane or alleyway;

(p) "grade" means the average level or elevation of the finished surface of the ground adjoining a building at all of the exterior walls or the mobile sign structure at the point of contact with the ground but shall not include any artificial embankment or planter box;

(q) "illumination" means lighting of the sign, in whole or in part by artificial means. Internal illumination means lighting the sign face with a light source located within the sign; external illumination means having a light source exterior to the sign and on, or directed at the sign, and flashing illumination means illumination that varies and is perceived to vary in intensity or design at periodic intervals;

(r) "industrial district" means property that is zoned industrial and defined under City of Hamilton Zoning By-law 6593 as amended;

(s) "message board" means that part of a sign on which the copy, characters, symbols or letters used to create the sign message are displayed, and "display surface" shall have a similar meaning;

(t) "mobile sign" means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

(u) "mobile sign permit" means a mobile sign permit issued by the Chief Building Official or his designate pursuant to the provisions of this By-law for the legal display of a mobile sign;

(v) "motorized vehicle" means an automobile, truck, motorcycle or similar self-propelled means of transport but does not include a trailer;

(w) "multiple address location" means a location where two or more municipal addresses are contained in the same commercial or industrial complex or place;

(x) "permit holder" means a person who holds a valid mobile sign permit issued under this By-law;

(y) "person" means an individual, firm, corporation, association or partnership and includes an owner and lessee of a property;

(z) "premises" means specific property, and includes all buildings and accessory structures thereon;

(aa) "property" means and refers to the location where a sign is to be positioned for display, or is displayed, or can be a reference to a specific street address of a business and includes a multiple address location;

(bb) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;

(cc) "sign area" means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border shall include all the area of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign;

(dd) "sign height" means the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame; and,

(ee) "unsafe sign" means a sign which is either structurally unsafe, or which constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which would otherwise constitute a risk to the safety of persons or premises.

Administration

2. The Chief Building Official or his designate shall:

(a) receive and process all applications for mobile sign permits required under this By-law;
(b) administer the issuance of mobile sign permits in accordance with provisions of this By-law;
(c) maintain and keep records of all applications received for mobile sign permits and records of all mobile sign permits issued;
(d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

Mobile Sign Permits

3. No person or his agent shall erect, display or otherwise use a mobile sign, without first obtaining a mobile sign permit as provided by this By-law.

4. A person or his agent, may obtain a mobile sign permit if:
   (a) he completes an application form provided by the Chief Building Official or his designate;
   (b) he files, as may be required by the Chief Building Official, in duplicate, a sketch of sufficient detail and quality as is necessary to ascertain whether or not the mobile sign will be in compliance with this By-law with accurate measurements of distances showing the intended location of the mobile sign and from that location the:
      (i) distance to the nearest street lot line;
      (ii) distance to the nearest edge of pavement of the nearest roadway;
      (iii) distance to the nearest edge of pavement at the intersection of two or more streets;
      (iv) distance to the nearest edge of the nearest mobile sign;
      (v) distance to the nearest edge of a building;
      (vi) distance to the nearest residential property; and
   (c) he files, as may be required by the Chief Building Official, measurements of the size of the mobile sign and it's supporting framework.

5. The number of days that a mobile sign is erected or displayed, shall be determined from the date and including the day of permit issuance, or date of erection if the mobile sign was erected prior to permit issuance.

6. The Chief Building Official or his designate may require a person, or his agent to provide proof of interest either as a lessee, renter, tenant or owner of the property on which the mobile sign is to be located, and/or a legal survey of the property on which the mobile sign is located or is intended to be located.

7. At any one property a maximum of two (2) mobile sign permits may be granted at any one time provided that there is a minimum distance of 30 meters between each mobile sign on the same property.

8. No mobile sign permit shall be issued for a property, person or business at a municipal address or location where thirty (30) days have not transpired since the expiry date on the previous mobile sign permit for that property.

9. No person shall make application for a mobile sign permit who is not the owner, or the authorized agent of the owner of the property on which the mobile sign is to be placed.

10. No person, or his agent shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a mobile sign permit, or revision thereto.

11. No person, or his agent shall apply for or receive, more than twelve (12) mobile sign permits for any property within any one (1) calendar year in accordance with section 7 above.

12. Applications will be processed in order of date and time received but no permit will be issued for a property which already has a mobile sign permit and until that mobile sign permit has expired.

13. A person or his agent or a permit holder may erect, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign where the sign is not in the "downtown core" (as defined on Schedule "A" to this By-law) and:
    (a) is located on property which is zoned as:
        (i) a "commercial district" including:
            1. the "G" Districts including "G", "G-1", "G-2" and "G-4" [except "G-3" (Public Parking Lot) District]; and
            2. the "H" and "HH" Districts; or
        (ii) an "industrial district" including:
            1. the "J" and "JJ" Districts;
            2. the "K" and "KK" Districts; and
            3. the "M" Districts, including "M-11", "M-12", "M-13", "M-14", and "M-15";
    (b) is in good repair and has not become unsafe, unsightly or dangerous;
    (c) is situated at grade;
    (d) where it is electrically illuminated, has Ontario Hydro safety code approval;
    (e) where it is utilizing electrical power, uses only an electrical cord that has C.S.A. approval;
    (f) is located on private property and is not located on a road allowance;
    (g) where it is located within 100 feet (30.5 metres) of a residential zone, is equipped with a timer to turn off the light source in order to eliminate any annoyance to persons in the adjoining residential zones between the hours of 10:00 P.M. and 8:00 A.M.;
    (h) has the name and telephone number of the owner of the mobile sign affixed to the mobile sign at a clearly visible location;
    (i) has not greater than $5.6m^2$ of sign area per face with no one dimension greater than 2.4m; and
    (j) has a sign height that does not exceed 2.4m.

14. No person, or his agent or permit holder, shall erect, permit to be erected, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign on lands or buildings owned, rented, leased or occupied by them:
    (a) for more than six (6), fifteen (15) consecutive day increments based on the calendar year at any property to which the mobile sign permit was issued;
    (b) on a property where a previous mobile sign permit has expired and no further permits are available in accordance with subsection (a) above;
    (c) the content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the municipality, or which would identify, advertise or provide information in relation to a use or occupancy not permitted under a Zoning By-law;
    (d) contrary to the approved location on a sketch, and contrary to information on the application, in respect of which the mobile sign permit was issued;
    (e) so as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting;
    (f) at any location where the sign obstructs the sightlines and view of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device;
    (g) which obstructs or otherwise interferes with an exit door or fire escape, fire exit route, fire hydrant, or yard hydrant so as to prevent or impede the free access of emergency vehicles and personnel to emergency equipment or to any part of a building requiring such access;
    (h) which obstructs or otherwise impedes the parking of a motor vehicle or is situated in a required parking or manoeuvring area;
    (i) with electrical wiring in the path of vehicular or pedestrian traffic;
    (j) which has flashing or moving lights;
    (k) which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion;
    (l) which in whole, or in part is an electronic variable message centre;
    (m) which emits illumination resembling an emergency light or traffic regulating device;
    (n) prior to the issue date or after the expiry date as set out in the mobile sign permit;
    (o) which would be an unsafe sign;
    (p) within 50 feet (15 metres) of the closest edge of the nearest mobile sign;
    (q) within 30 feet (9 metres) of the intersection of two streets;

(r) within 50 feet (15 metres) of a residential district;
(s) where the setback from property lines to the mobile sign is less than 1.5 metres;
(t) where the mobile sign is elevated on any temporary or permanent object which is being used as the base for a mobile sign or part of a mobile sign structure;
(u) where the property is zoned anything other than that indicated in section 13;
(v) where the property on which the mobile sign is located is zoned "residential";
(w) where the property on which the mobile sign is situated is located, in the downtown core as shown on Schedule "A" of this By-law;
(x) where two mobile sign permits have already been issued for the property and have not expired;
(y) where the mobile sign would not comply with this or any other by-law;
(z) which has more than two sign faces or any one sign face which exceeds 5.6m^2 in area or has any one dimension that is greater than 2.4m;
(aa) which has a maximum height measured from grade greater than 2.4m; and

15. A person or his agent shall place the mobile sign at the municipal address of the person named on the application.

16. The permit fee as set out in Schedule "B" shall be submitted with each application for a mobile sign permit.

17. The permit fee as set out in Schedule "B" does not apply to an application for a City of Hamilton sponsored event.

REVOCATION OF A PERMIT

18. A mobile sign permit may be revoked by the Chief Building Official or his designate under the following circumstances:
(a) where the mobile sign does not conform to this By-law and amendments thereto;
(b) where the mobile sign does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
(c) where the mobile sign permit has been issued as the result of false, incorrect or misleading statements;
(d) where the mobile sign permit has been issued in error by the Chief Building Official or his designate.

VARIANCES

19. (a) Where the applicant or person in control of a sign for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor variance from the provisions and regulations of this by-law.

The Council shall hear all such applications and may authorize minor variances from the provisions and regulations of this by-law.

(b) All applications for a minor variance shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of three hundred dollars ($300.00). The variance fee shall not be refundable.

PENALTIES AND ENFORCEMENT

Removal of Illegal Mobile Signs

20. (a) When a mobile sign is erected or displayed in contravention of the provisions of this By-law, the mobile sign shall be removed immediately without notice, where located on, over, partly on, or partly over, property owned by or under the jurisdiction of the City of Hamilton;

(b) Where a mobile sign is located on property other than property owned by or under the jurisdiction of the City of Hamilton, the Chief Building Official or his designate may forward a notice, by personal service or regular post, to the Lessee or owner of the sign, or their agents, or to the person or agent having the use or major benefit of the mobile sign, requiring that the mobile sign be permanently removed within the time specified in the Notice and thereafter not replaced with any mobile sign in contravention of this By-law;

(c) If the Notice is not complied with the Chief Building Official or his designate may require that the municipality, its employees, or an independent contractor enter upon the land and remove such mobile sign. The owner of the land upon which the mobile sign was located shall pay for any costs or expenses of the City. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended from time to time;

(d) where a mobile sign is deemed by the Chief Building Official or his designate to be in such a condition or location that it is or may be a hazard to the public, the Chief Building Official or his designate may either serve written notice to the owner or tenant of the property on which, or in front of which such mobile sign is located, to remove such mobile sign or make the same safe, or without giving notice to the owner or tenant of the property on which such mobile sign is located, cause such mobile sign or structure to be removed;

(e) any sign removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed;

(f) mobile signs removed shall be stored by the City for a period of time of not more than thirty (30) days, during which time the owner or his agent may be entitled to redeem such mobile sign upon the payment to the City of a one hundred dollar ($100.00) fee in addition to any applicable costs or expenses referred to in subsection (c) above;

(g) where a mobile sign has been removed by the City and stored for a period of 30 days and has not been redeemed, such mobile sign shall be forthwith destroyed or otherwise disposed of by the City.

Penalty for Non-Compliance

21. (a) Any person who, on his own or by his agent, contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time to a fine of not more than five thousand dollars ($5,000.00), exclusive of costs, for each offence. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such thereunder. Such fine shall be recoverable under the Provincial Offences Act.

(b) Where a person has been convicted of an offense under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offense.

(c) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

Liability

22. Any persons erecting or maintaining any mobile sign or on whose property a mobile sign is located, shall be liable for such mobile sign. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such mobile sign or part thereof.

Notice

23. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by regular mail addressed to the person making application for permit to erect a mobile sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located, or at the last address for delivery appearing on the records of the Chief Building Official or his designate.

Schedules

24. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

Applicability

25. This By-law shall be applicable to all lands within the corporate limits of the City of Hamilton.

Validity

26. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Meaning

27. For the purpose of this By-law, where the words "his" or "he" is used they shall also mean or stand for the words "her" "she" and "it" in the case of a corporation.

Short Title

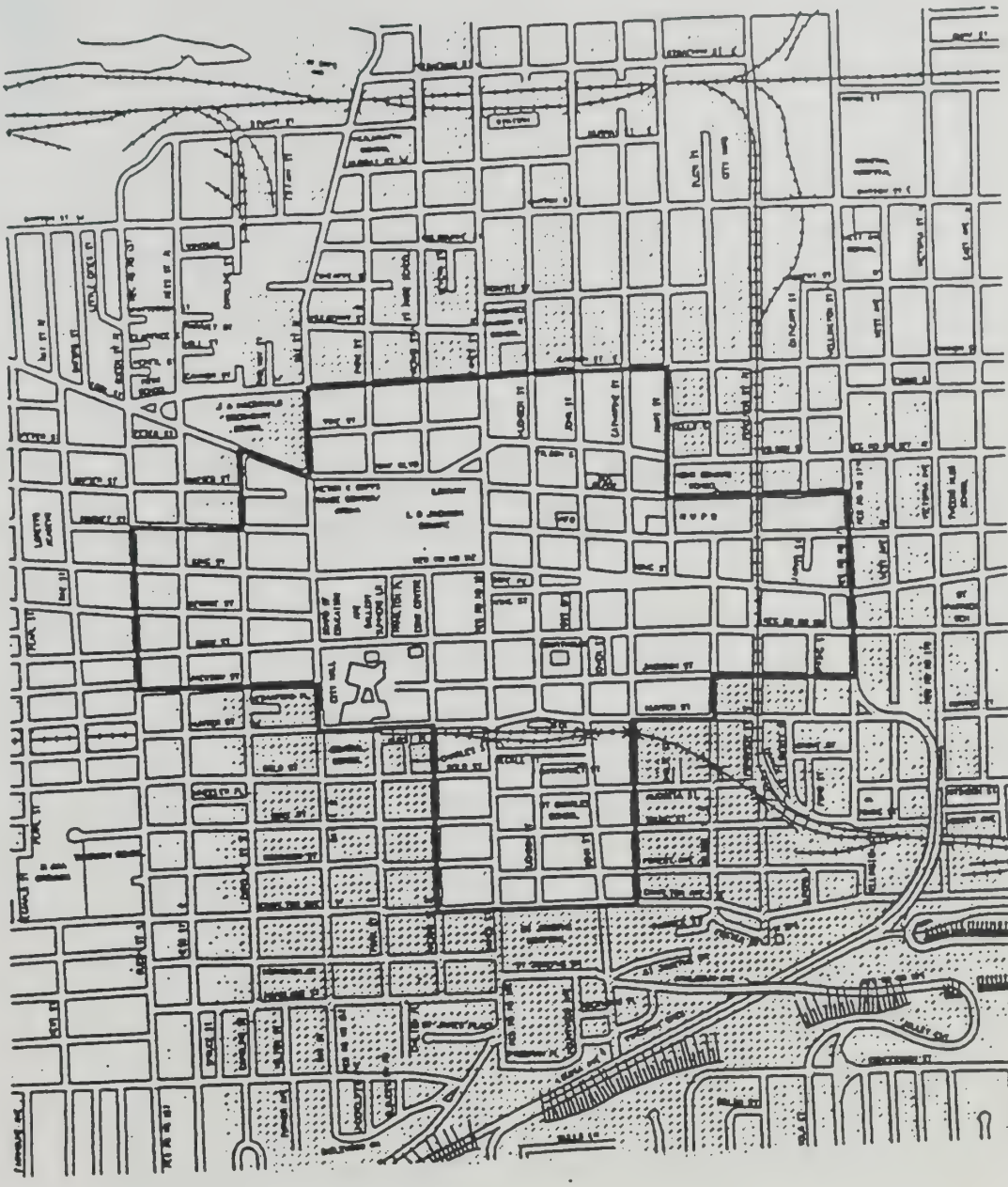
28. This By-law shall be known as the Mobile Sign By-law.

Effective Date

29. This By-law comes into force and takes effect on the 11th day of December, 1996.

PASSED this 10th day of December, 1996,A.D.

CITY CLERK MAYOR



This is Schedule "A" to By-Law No. 96 -.....
Passed the ..... day of ....., 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96-.....

Legend

Delineates Boundary of Downtown Core

North	Scale	Reference File No.
	NOT TO SCALE	CI-01-I
	Date	Drawn By

SCHEDULE "B"

PERMIT FEES

All permit applications shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of thirty-five ($35.00) per two week period.

APPENDIX "D"

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION INC.
38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

December 4, 1996

The Corporation of the
City of Hamilton
Attention:
Mr. J. J. Schatz, City Clerk
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: CI-91-I
Mobile sign draft By-law proposal

Dear Sir:

In response to your letter postmarked October 23, 1996 I would like to set the record straight.

As stated in my letter dated October 10, 1996 I have asked to speak on the above matter at the City Council's hearing or Public Hearing and not at the Planning and Development meeting, which you refer to.

As I have been informed, on the tenth of December 1996 the Mobile Sign Draft By-Law Proposal will be brought forward to the City Council for approval. As per my information no public hearing by City Council has taken place with respect to this matter, so therefore once again I ask that my request be brought forward to the City Council, that I ask for the opportunity to speak on the above issue prior to the draft proposal CI-91-I being passed by Council.

Yours truly,

George Langadinos,
Secretary/Treasurer

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION INC.
38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

December 9, 1996

The Corporation of the
City of Hamilton
Attention City Council
c/o Mr. J. j. Schatz, City Clerk &
Secretary of the Council
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: CI-91-I Mobile Sign Draft By-law Proposal
65-93 Zoning By-law
86-77 City Street By-law
94-117 Regional Sign By-law

Dear Sir:

I have written to you in the past with respect to bill CI-91-I and also a letter requesting a copy of hte Zoning By-law 65-93 as it applies to mobile signs on private property.

On August 8, 1996 you replied with a letter to me that the City of Hamilton's Zoning By-law 65-93 contains numerous references to the installation and erection of signs throughout the By-law in various zoning designations.

You also replied "that there exists no one section dealing with mobile signs or ground signs".

On this Tuesday, December 10, 1996, as you know, the City Council at it meeting, will consider to approve the proposed draft By-Law CI-91-I. I, hereby, advise you that the above draft By-Law has failed to comply with requirements of the Municiapl Act R.S.O. 1990 Chapter M45, Section 210 Paragraph 146, which does not include and/or not even mentions the words Mobile Signs and the term does neither exist in the Municipal Act. Under Section 210 Paragraph 147 the Municipal Act is recognizing the mobile sign industry as mobile sign lessors, this City of Hamilton does not and callsthem operators? Under paragraph 146 (e) With respect to public notices and (f) The Council shall hear any person -, also the document has failed to comply with the requirements of the Planning Act R.S.O. 1990 Chapetr 13 with respect to the Zoning By-laws R.R.O. 1990 Part V - Land use controls - Notice under Subsection 34; (9) (a), (12) and (13).

Mr. Schatz and Council members, the draft By-Law proposal has violated regulation 920 with respect to the public notice. By the record up to this date notice of Public Meeting has been given only for the Planning and Development Committee, which took place on July 3, 1996, and not by the City Council, as both, by the Municipal Act and the Planning Act, clearly indicate to do so.

The information was given to the public for inspection with respect to the draft By-law on July 2, 1996, and was available on July 2, 1996 after 12 Noon and the next day on July 3, 1996 at 9:30 AM the Planning and Development Committee held a meeting. I attended this meeting and I spoke on the issue. There was a full house of City staff and members of the Planning and Development Committee. I rejected the proposed document as as an unofficial document, as well as for many other reasons.

The newsprint media was there and they were taken notes. Prior to this public hearing two other public meeting were held by the Planning and Development Committee with respect to the issue and as by the record they were not valid as by lack of quorum. The newsprint media. which maintai

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION INC.
38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

December 9, 1996 The Corporation of the City of Hamilton

an office at this City Hall of ours, has not only mentioned these non-valid meetings, but they kept on publishingarticles by the editorial member with half page pictures raising moral questions from the public as to the ugliness of the mobile signs. As by the record and after the July 3, 1996 public hearing of the Planning and Development Committee and as by the presence of the press, taking notes of this hearing, there was no article published by the press as of this date with respect to that meeting. The public was not informed once again.

The record I have in my possession, issued by the Building Department, orders sent out to the merchants to comply by the Building Department, with respect to the Zoning By-law 65-93 (as amended Section 17D "M12" districts and Section 13A "G-1" districts) requires an explanation from the City and from the Building Department. If another By-law has been passed by the City Council, the public deserves a right to know. If it is an amendment only, as described, then this order to comply should not have been send out, because this invloves a different subject. The subject of the mobile sign issue, which is involved in the proposed draft By-law.

My question is do we have two By-laws already, or was a By-law made and passed without any notice or public hearing held by the City Council?

As by the record I hereby ask you that the members of the City Council be made aware of this letter and that it be brought forward to the Council and I request the Council and its members not put forward the By-law at this time and proper notice be given to the public and to announce a plublic hearing.

If the pro-active enforcement will take place, as it now stands, on the private lands, merchants and business and mobile sign lessors will be hurt and it may result in many bankruptcies. If those hurt find out that the whole process, with respect to this issue, has violated the Municipal Act and the Planning Act, serious consequences will occur for those defaulting and failing to perform their duties, including the Corporation of the City of Hamilton.

Yours truly,

George Langadinos,
Secretary/Treasurer

cc: Don Drury, Chairman Planning & Development Committee
Len King, Building Commissioner
Mayor R. Morrow
P. Noe Johnson, City Solicitor

Distributed to all Members of City Council - December 9, 1996
Copies to L. King, Building Commissioner; P. Noé Johnson, City Solicitor; V. Abraham, Director Planning & Development

Ad-Vantage Signs

19961207

City of Hamilton
71 Main Street West
Hamilton, Ontario

Mayor and Members of Council

RE: MOBILE SIGN BY-LAW

I respectfully request that the proposed By-Law regulating mobile signs in Hamilton be tabled at this time.

I make this recommendation based on the facts the administrative end of the By-Law is not in place--permits cannot be obtained, fees cannot be paid as the city is not prepared to issue.

Other Municipalities in the Province have declared a moratorium to allow merchants an opportunity to sell, end rental and lease agreement's etc. Hopefully the City of Hamilton will also be benevolent in this respect and discuss this issue if the matter proceeds.

The working committee of which our company is a member had completed 70% of its mandate and I would again request the opportunity to complete the task to everyones (qualified) satisfaction.

Please be advised that the committee citizen appointment Mr. James McLean has done a very good job and deserves better than seeing the committee disband before its completion.

Thank you for your consideration.

Yours truly

Joan McPhail
Ad-Vantage Signs

5100 South Service Rd
Unit #27
Burlington. Ontario
L7L 6A5
Phone 634-6811
Fax 634-5422

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION INC.
38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

FREE ENTERPRISE WE TRUST

1a)

January 20, 1997

JAN 2 1 1997

Mr. V. J. Abraham
Director of PLanning & Development
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: CI-91-I
Mobile Sign Draft By-law Proposal

Dear Mr. Abraham:

The intention of the PLanning & Developemt Committe and Chairman Don Drury, along with the local planners' assistance under your direction to prepare and put forward for adoption by the City as per the proposed "MOBILE SIGN" By-law document Appendix "A" and "B" to regulate mobile signs on private properties, contravenes with the Municpal Act RSO/90 C.M. 45.

Under Section 210, Paragraph 146, which you intend to regulate, the item of Mobile Signs is non-conforming with the Act. The word MOBILE SIGN is not to be found under Paragraph 146. The term MOBILE SIGN does not even exist in the Municipal Act and neither in the Planning Act.

The City's Legal Department should have advised you all, as their job and duty is to protect the interest of our City and our taxpayers' money, preventing our City from any legal implications and lawsuits that may occur.

Under Paragraph 147, The Municipal Act recognizes the Mobile Sign Industry, which has been around for over 30 years, and those persons who carry on the business of leasing mobile signs (a full-time, year-round business) and refers to them as MOBILE SIGN LESSORS, which allow the Municipalities to license and regulate them as such, but the time limits and steep permit fees and many other "red tape" rules, which the City Planners intend to implemend, those implementations are not to be found under Paragraph 147.

Mr. Abraham, once again, it is now time to separate the "oranges" from the "potatoes". The proposed document Appendix "A" and "B", which so unofficially prepared by the Planners and put forward from your office to the Planning & Development Committee members for adoption, Paragraph 146 refers clearly to signs andother advertising devices and posting of notices on buildings. The Mobile Sign item is a separate issue and is non-conforming with the Act under Paragraph 146. As per this fact and in accordance with the Municipal Act, I, hereby, request you as Director of the Planning & Development Department and those involved with this issue to delete the word and term "MOBILE SIGN" from the proposed By-law Appendix "A" and "B" documents.

I remain, your truly,

George Langadinos,
Secretary/Treasurer

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1997 Jan 21.

A

16

ST. JOSEPH'S HOSPITAL McMASTER UNIVERSITY
DEPARTMENT OF OBSTETRICS & GYNECOLOGY
ST. JOSEPH'S HOSPITAL
301 James Street South
2nd Floor-Fontbonne Building
Hamilton, Ontario Canada L8N 4A6
Telephone (905) 521-6041
Fax (905) 521-6089

JAN 2 9 1997

January 24, 1997

Ms. Mary Kiss, Alderman
City Of Hamilton
71 Main Street West
Hamilton, Ontario L8N 3T4

Post-it® Fax Note 7671	Date 27.1	# of pages ▶ 2
To C. FLOWOFF	From H. MUGGAH	
Co./Dept.	Co.	
Phone #	Phone #	
Fax # 546-4202	Fax #	

Dear Ms. Kiss:

RE: A By-Law to regulate "MOBILE SIGNS" under the Municipal Act in the City of Hamilton

I followed with interest the Planning and Development Committee's discussion in this regard and note that a Public Meeting will be held on February the 5th to make a number of modifications to the July 3, 1996 draft By-Law.

I have great difficulty in accepting some of the suggestions and feel they betray the original intent of "Mobile Signs" which were originally designed to provide a temporary and emergency advertisement for merchants and other businesses. This intent has been modified and indeed one might even say bastardized over the years to allow for the proliferation of multiple black, yellow and red wheeled obstacles to motorists and pedestrians alike. I believe the original By-Law of July 3, 1996 should stand intact with the exception of the very sensible suggestion -- to allow the Mobile Sign companies to set up accounts with the City to streamline the permit approval process.

I am particularly incensed that you might consider increasing the maximum total days per year from the existing 90 to 180 days.

The spirit of mobile signing is then totally undermined by the proposal "to delete the reference to prohibition of third party advertising" which surely subverts the temporary, emergency and occasional usages which merchants on a particular location would erect signs to attract passerbys to their immediate location.

I would hope you could bring these issues forward on behalf of my family and other residents of the Dundurn area who are much encouraged by this proactive stance to this point

/...2

Ms. Mary Kiss
continued ...

with regard to the regulation of signs and hope that you will not step down at this point in negotiations.

Yours Sincerely,

Henry Muggah

HFM/la

Henry Muggah, Professor
McMaster University

c.c.: Mayor Robert Morrow
The City Of Hamilton

2a)

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO:	Tina Agnello, Secretary Planning and Development Committee City Clerk's Department	YOUR FILE:	
FROM:	Mr. J. J. Schatz City Clerk City Clerk's Department	OUR FILE: PHONE:	 546-2727
SUBJECT:	Mr. & Mrs. Mohammed request for OHRPD Funds	DATE:	1997 January 29

Council at its meeting of 1997 January 28 Referred back section 4 of the FIRST report of the Planning and Development Committee which reads as follows:

4. That the City of Hamilton through the Building Department Housing and Loans Division, without prejudice, reimburse Mr. and Mrs. Mohammed of 261 Cranbrook Drive in the amount of $2,875 which was payable through the former OHRPD programme, and that the payment be subject to the Mohammed's signing a letter of release regarding the outstanding legal action.

cc. Ald. D. Ross
Len King, Building Commissioner
Mark Mascarenhas, Housing and Loans Division

26)

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO: Tina Agnello, Secretary
Planning and Development Committee
City Clerk's Department

YOUR FILE:

FROM: Mr. J. J. Schatz
City Clerk
City Clerk's Department

OUR FILE:
PHONE: 546-2727

SUBJECT: Sesequicentennial Banners

DATE: 1997 January 29

Council at its meeting of 1997 January 28 Referred back section 6 of the FIRST report of the Planning and Development Committee which reads as follows:

6. (a) That the Public Works and Traffic Department be authorized to give to each Business Improvement Area in the City of Hamilton 5 sesquicentennial banners free of charge ; and,

(b) That the remaining sesquicentennial banners be sold at a cost of $25 each , inclusive of G.S.T. ; and,

(c) That the revenue derived through the selling of the banners be credited to the account utilized to purchase same (Account Number CF 5698 428705099 - the Commercial Improvement Program).

cc. Ald. F. D'Amico
Doug Lobo, Director of Public Works and Traffic
Hazel Milsome, Community Renewal Section

3

CITY OF HAMILTON

- RECOMMENDATION -

JAN 2 9 1997

DATE: 1997 January 29
ZAC-96-12
Durand Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: 10 Herkimer Street and 9 and 11 Charlton Avenue West

SECOND REPORT

RECOMMENDATION:

(a) As per the Planning and Development committee's recommendation of 1996 December 4, the following resolution be forwarded to Council:

That approval be given to Zoning Application ZAC-96-12, 583783 Ontario Inc. (D. and F. Steller), owners, requesting a modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations (Block "1"), and a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations (Block "2") to permit the expansion of the existing residential care facility for seniors from 58 to 77 residents, for property at 10 Herkimer Street and 9 and 11 Charlton Avenue West, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That By-law Nos. 83-217 and 89-276, applicable to Block "2", be repealed;

(ii) The "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of Zoning By-law No. 6593 applicable to Blocks "1" and "2", be further modified to include the following variances as special requirements:

(2) That notwithstanding Subsections 11A (1)(i) and 11(1)(iiib) of By-law No. 6593, the following RESIDENTIAL USE shall be permitted:

(a) a residential care facility for the accommodation of not more than 77 residents, provided that said residents shall not be less than 60 years of age;

(3) That notwithstanding Section 11A(3)(ii)(b) of By-law No. 6593, there shall be provided and maintained:

(a) along the westerly lot line of Block "2", a side yard of not less than 1.26 m in width;

(b) along the northerly lot line of Block "2", a side yard of not less than 4.5 m in width;

(c) along the westerly lot line of Block "1", a side yard of not less than 3.05 m in width;

(d) along the northerly lot line of Block "1", a front yard of not less than 3.05 m in depth; and,

(e) along the easterly lot lines of Blocks "1" and "2", a side yard of not less than 2.52 m in width;

(4) That Section 11A(7) of By-law No. 6593 shall not apply;

(5) Notwithstanding Section 18A(9) and (10), a portion of the required manoeuvring space for the parking on Block "1" shall be provided on No. 15 Charlton Avenue West;

(6) That notwithstanding Section 18A of By-law No. 6593, not less than ten (10) off-street parking spaces shall be provided and maintained on the site;

(iii) That the amending By-law be added to Section 19 of Zoning By-law No. 6593 as Schedule S-832b and that the subject lands on the Zoning District Maps W5 and W6 be notated S-832b;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W5 and W6 for presentation to City Council;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(vi) That the Durand Neighbourhood Plan be amended by redesignating Block "1" from "Commercial and Apartments" to "Medium Density Apartments".

(b) That the amending by-law not be forwarded to Council until such time as the applicant submits a servicing study, including capacity calculations, outlining details regarding the demand the proposed development will place on the existing sewers, and provide verification that this demand will be adequately accommodated by the system to the satisfaction of the Manager of Development of the Regional Environment Department.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for modifications to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for Block "1" and further modifications to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) for Block "2", for lands know municipally as 9 and 11 Charlton Avenue West (Block "1") and 10 Herkimer Street (Block "2").

In addition, the By-law provides for the following special variances applicable to Blocks "1" and "2":

- to permit a residential care facility for the accommodation of not more than 77 residents not less than 60 years of age, whereas the by-law permits 58 residents;

- to permit the following yards:

  - a westerly side yard of Block "2" of not less than 1.26 m in width;

  - a northerly side yard of Block "2" of not less than 4.5 m in width;

  - a westerly side yard of Block "1" of not less than 3.05 m in width;

  - a front yard on Block "1" of not less than 3.05 m in depth;

  - easterly side yards of Block "1" and "2" of not less than 2.52 m in width;

  whereas side yards of not less than 12.45 m in width and front yards of not less than 3.35 m are required;

- to permit the existing residential care facility within 180 m of another residential care facility;

- to permit a portion of the required manoeuvring space for Block "1" on 15 Charlton Avenue West; and,

- to permit not less than 10 parking spaces to be provided and maintained on-site whereas, 7 are required.

The effect of the by-law is to permit the expansion of an existing residential care facility for seniors at 10 Herkimer Street (Block 2) from 58 to 77 residents by expanding the existing building northward and the demolition of two dwellings at 9 and 11 Charlton Avenue West (Block "1"). Three additional parking spaces will be provided on Block "1", increasing the total number of on-site parking spaces to 10.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- First Report

  The Planning and Development Committee, at their 1996 December 4 meeting, tabled this application until the first meeting in 1997, pending the identification of all the variances to the by-law. These variances have been identified and are incorporated into the recommendation in this report.

  In the first report (see attached APPENDIX "B"), staff recommended denial of the application on the following basis:

  - the proposal conflicts with the intent of the Official Plan in that it does not provide adequate off-street parking. In this regard, 7 spaces are required to accommodate the additional 21 residents, whereas only 3 spaces are provided;

  - one of the prime goals of the Residential Care Facilities By-law is to provide residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 77 residents, or nearly four times that permitted in an "E-1" District (20 residents), would result in the creation of an "Institutional" use. On this basis, the proposal is contrary to the intent and philosophy of the By-law and Provincial policies, which were designed to encourage smaller facilities in residential neighbourhoods; and,

  - approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the Residential Care Facilities By-law.

Notwithstanding staff's recommendation for denial, the Planning and Development Committee, at its meeting of 1996 December 4, approved the development in principle and directed staff to prepare a report including all the variances.

COMMENTS RECEIVED:

The Building Department initially advised:

"1. The adding of lands to the existing site will create a parcel of land that is considered a "through lot".

2. The recognized use is a Residential Care Facility for fifty-eight (58) residents. The proposed increase to seventy-seven (77) residents is not permitted.

3. A Residential Care Facility for seventy-seven (77) residents requires a minimum of twenty-six (26) parking spaces.

4. The proposed expansion to the existing building required the following yards:

   FRONT - 3.35m
   SIDES - 12.45m

5. The manoeuvring space aisle width is not the minimum 6.0m for the three (3) parking spaces.

6. Each parking space must be at least 2.7m x 6.0m.

7. The lot area should be the actual area not rounded off to the next highest.

8. The present By-law 89-276 (S832a) requires that a minimum of seven (7) parking spaces shall be provided.

9. The details of development are not accurate with respect to actual areas and number of parking spaces.

NOTE: Further review may be required to determine gross floor area, landscaped area and number of parking spaces."

COMMENTS:

1. The applicant has provided the Building Department with the necessary details of the development and the specific variances to the by-law have now been identified.

2. As noted on page 7 of APPENDIX "B", the Regional Environment Department advises that the sewers on Herkimer Street and Charlton are substandard. In this regard, they recommend that the applicant, as a condition of approval, submit a servicing study, including capacity calculations, outlining details regarding the demand the proposed development will place on the existing sewers, and provide verification that this demand will be adequately accommodated by the system.

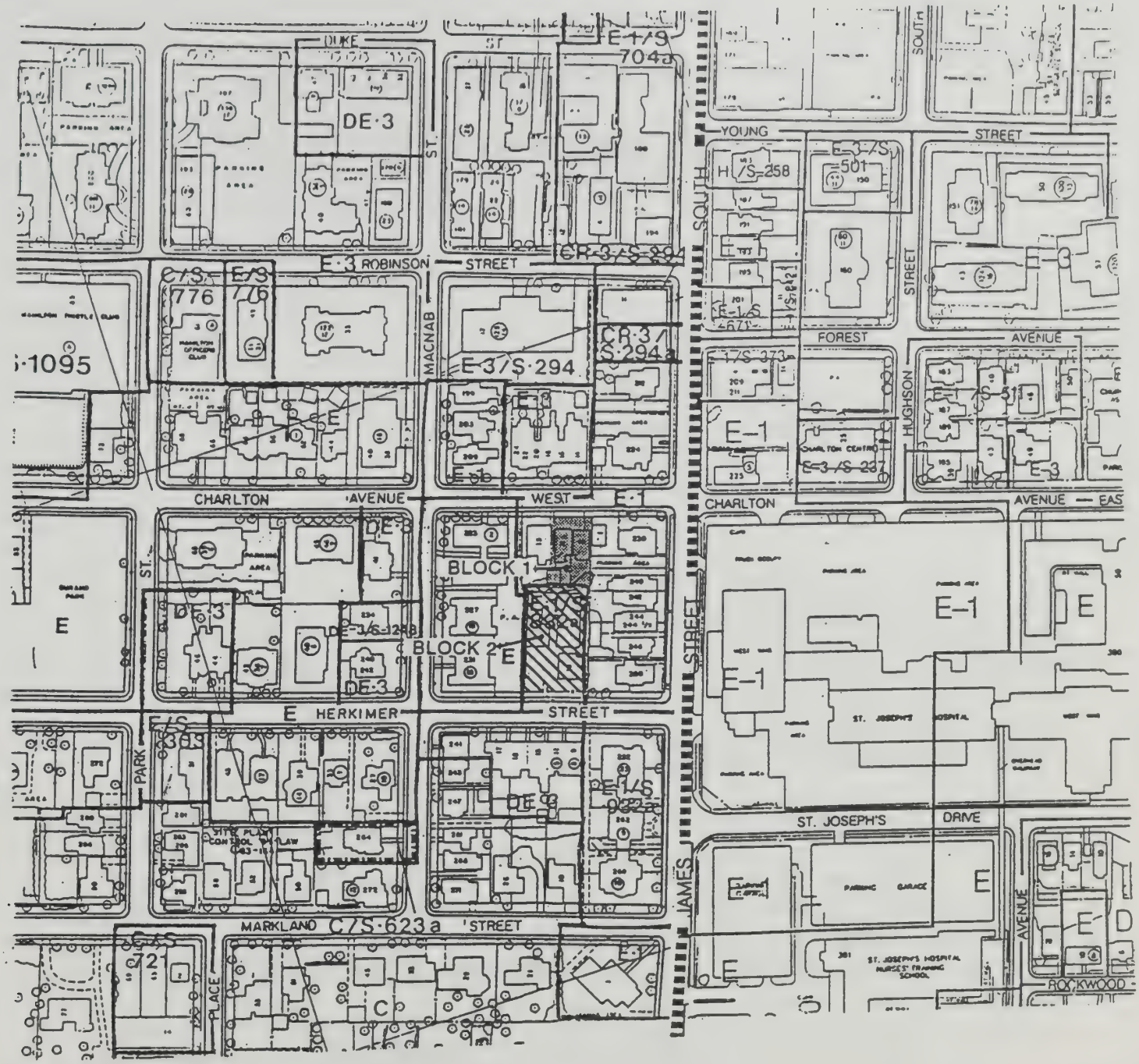
   Previously, it was suggested that this condition could be satisfied by placing the subject lands in a holding zone until such time as the condition was satisfied. Upon review however, it has been determined that the by-law should not be forwarded to Council until the applicant has submitted the necessary information to the satisfaction of the Manager of Development (Regional Environment Department).

CONCLUSION:

Based on the foregoing, the recommendation can be forwarded to Council for approval.

CLF/
ZAC-96-12.2nd rep

APPENDIX "A"



ZAC-96-12

Legend

Proposed Change .

BLOCK 1 — "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.

BLOCK 2 — Further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 26
ZAC-96-12
Durand Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: 10 Herkimer Street and 9 and 11 Charlton Avenue West

RECOMMENDATION:

That Zoning Application ZAC-96-12, 583783 Ontario Inc. (D. and F. Steller), owners, requesting a modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations (Block "1"), and a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations (Block "2") to permit the expansion of the existing residential care facility for seniors from 58 to 77 residents, for property at 10 Herkimer Street and 9 and 11 Charlton Avenue West, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

(i) the proposal conflicts with the intent of the Official Plan in that it does not provide adequate off-street parking. In this regard, 7 spaces are required to accommodate the additional 21 residents, whereas only 3 spaces are provided;

(ii) one of the prime goals of the Residential Care Facilities By-law is to provide residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 77 residents, or nearly four times that permitted in an "E-1" District (20 residents), would result in the creation of an "Institutional" use. On this basis, the proposal is contrary to the intent and philosophy of the By-law and Provincial policies, which were designed to

encourage smaller facilities in residential neighbourhoods; and,

(iii) approval of the application may encourage other similar applications which if approved, would undermine the intent and purpose of the Residential Care Facilities By-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant had applied for a modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for Block "1" and a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for Block "2" (see attached APPENDIX "A") to permit the expansion of the existing residential care facility for seniors at 10 Herkimer Street from 58 to 77 residents. The proposal will involve expanding the existing building northward and includes the demolition of the two dwellings at 9 and 11 Herkimer Street. Three parking spaces will be added with access onto Charlton Avenue West for a total of 9 parking spaces.

- By-law No. 83-217

City Council, at its meeting of 1983 July 27, passed By-law No. 83-217 which provided for a modification to the"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit the construction of a 2 storey addition to the rear of the existing building at 10 Herkimer Street for a residential care facility with a maximum of 30 residents of at least 60 years of age. In addition, the by-law included the following:

- exemption of the minimum radial separation distance requirement of 180 m (600 feet) between residential care facilities;
- 9 on-site parking spaces (whereas 10 are required); and,
- reductions in the side and rear yards.

- Committee of Adjustment Application A-87-222

The Committee of Adjustment, on 1987 September 5, approved a minor variance application A-87-222 to permit an increase in the capacity of the existing residential care facility from 30 residents to a maximum of 34 residents, without providing the required 2 additional parking spaces. The Planning and Development Department comments submitted in conjunction with the minor variance application recommended denial on the basis that:

- the variance was not minor;
- the existing facility is located within 180 m (600 feet) of another residential care facility; and,
- approval would set an undesirable precedent for future similar applications to increase the number of residents.

- By-law No. 89-276

City Council, on 1989 September 26, passed By-law No. 89-276 which further modified the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions to allow for an increase the capacity of the residential care facility from 34 to 58 residents not less than 60 years of age. Other modifications included:

- a further reduction of the on-site parking from 9 to 7 spaces; and,
- further reductions in yard requirements.

Planning and Development Department staff recommended denial of the application on the following basis:

- one of the prime goals of the Residential Care Facilities By-law is to provide residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 58 residents, or nearly three times that permitted, would result in the creation of an "Institutional" use. The proposal is contrary to the intent and philosophy of the By-law and Provincial policies, which were designed to encourage smaller facilities in residential neighbourhoods.
- It represents an over-intensification of land use, in that adequate parking would not be provided.
- Approval of the application may encourage other similar applications which, if

approved, would undermine the intent and purpose of the Residential Care Facilities By-law.

- The subject lands are located within 180 m (600 feet) of 2 other Residential Care Facilities.

APPLICANTS:

583783 Ontario Inc. (D. and F. Steller), owners.

LOT SIZE AND AREA:

Block "1"

- 17.89 m (58.7 feet) frontage on Charlton Avenue West;
- 32 m (105 feet) depth; and,
- 572.61 m^2 (6163 square feet) lot area.

Block "2"

- 31.68 m (103.95 feet) frontage on Herkimer Street;
- 53.68 m (176.11 feet) depth; and,
- 1700.58 m^2 (18305.5 square feet) lot area.

LAND USE AND ZONING:

	Land Use	Zoning
Block "1"	Single and two family dwelling	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District
Block "2"	Residential Care Facility for 58 residents	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified
Surrounding Lands		
to the north	Apartments	"E-3" (High Density Multiple Dwellings) District

to the south	Apartments	"DE-3" (Multiple Dwellings) District
to the east	Mixed residential and commercial	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	Residential care facility, apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District and "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN:

The subject lands are designated "**Residential**" on Schedule 'A' - Land Use Concept and are within Special Policy Area 3 on Schedule 'B' - Special Policy Areas. The following policies, amongst others, apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and

the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-Law;"

The proposal conflicts with the intent of the Official Plan in that it does not provide adequate off-street parking and further, represents an over intensification of use in that it proposes nearly four times as many residents for the facility than the by-law permits.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial and Apartments" (Block "1") and "Medium Density Apartments" (Block "2") in the approved Durand Neighbourhood Plan. If approved, Block "1" should be redesignated to "Medium Density Apartments".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and Union Gas have no comment or objections.

- The Building Department advises:

"1. The adding of lands to the existing site will create a parcel of land that is considered a "through lot".

2. The recognized use is a Residential Care Facility for fifty-eight (58) residents. The proposed increase to seventy-seven (77) residents is not permitted.

3. A Residential Care Facility for seventy-seven (77) residents requires a minimum of twenty-six (26) parking spaces.

4. The proposed expansion to the existing building required the following yards:

FRONT - 3.35m
SIDES - 12.45m

5. The manoeuvring space aisle width is not the minimum 6.0m for the three (3) parking spaces.

6. Each parking space must be at least 2.7m x 6.0m.

7. The lot area should be the actual area not rounded off to the next highest.

8. The present By-law 89-276 (S832a) requires that a minimum of seven (7) parking spaces shall be provided.

9. The details of development are not accurate with respect to actual areas and number of parking spaces.

NOTE: Further review may be required to determine gross floor area, landscaped area and number of parking spaces."

- The Department of Public Works and Traffic advises:

"The property at 10 Herkimer has been the subject of a number of applications to permit the continued expansion of the existing use. Most of the applications have included a reduction in the required parking. The current application for the addition of 21 beds to the existing facility indicates that only 3 additional parking spaces are to be provided. In accordance with the Zoning By-law, the addition of 21 beds requires 7 additional parking spaces. In order to consider further reductions in the required parking, we request that the applicant provide information regarding the operation of the facility such as the current number of employees, the increase in employees related to this expansion and any other information to justify the proposed reduction in required parking. Without additional information, we cannot support the application.

The preliminary plan submitted with the application indicates that 3 parking spaces are to be provided having access from Charlton Avenue. In order to provide adequate manoeuvring area adjacent to the parking spaces in the location shown on the plan, it will be necessary to establish a mutual right-of-way on a portion of the lands on the adjacent property, 15 Charlton Avenue."

- The Regional Environment Department advises:

"There are public watermains and combined storm and sanitary sewers available on Charlton Avenue and Herkimer Street. However, as the sewers on Herkimer Street and Charlton Avenue are substandard, the applicant/owner as a condition of zoning approval must submit a servicing study, including capacity calculations, outlining details with respect to the demand that this development will place on the existing sewer, and provide verification that this demand will be adequately accommodated by the system.

The following comments have been received from the Region's Transportation Department, Roads Division.

(1) No further road allowance widenings are anticipated on Herkimer Street or Charlton Avenue at this time.

(2) Any works which may occur within the adjacent road allowances must conform to the respective Streets By-laws.

(3) We have the following comments on the preliminary site plan submitted with this zoning application:

i) The access width to Charlton Avenue, a Regional Road, is only 3.6 m contained within the property limits. If this access is needed for required off-street parking, arrangements must be made with lands to the west to establish a mutual driveway access in accordance with the requirements of the City of Hamilton Department of Public Works and Traffic.

ii) It is unclear what the proposed paving within the Charlton Avenue road allowance will be used for. Due to the proximity of the existing street tree and the fact that this parking space will limit the visibility of motorists entering the municipal sidewalk and travelled portion of Charlton Avenue, this paving area is not permitted and should be removed from the plan.

iii) Should the parking area with access from Charlton Avenue be retained, we recommend that the proposed wall structure be set back a minimum of 3.0 m from the existing position adjacent to the access. This will improve the visibility of motorists entering the driveway area immediately adjacent to the access on Charlton Avenue.

iv) We require 5 m by 5 m daylight visibility triangles between the access to Charlton Avenue and the Charlton Avenue road allowance limits in which the maximum height of any object or mature vegetation is not to exceed 0.60 m above the corresponding perpendicular centreline elevation of Charlton Avenue. This requirement excludes any trees or street trees within this area."

The Department of Community Services advises:

"We note that the proposed expansion of the residential facility makes provisions for parking and other modifications to the lot are to be determined. We respectfully suggest that any modifications to the site plan should incorporate barrier free design features, particularly for the accommodation of wheelchair parking, sidewalk and main facility door access.

We would also suggest that the proposed expansion of beds include consideration for varying financial capabilities, and preference for private accommodation, that prospective residents might have.

Further, while the applicant would not be eligible for a subsidy agreement with the Regional Municipality because the number of beds exceeds our contractual requirements, we are enclosing a June 19, 1996 Report to Health and Social Services Committee which resulted in a three month freeze on the acceptance of Subsidy Agreement Applications subsequent to further review. This review (Report of September 23, 1996) was tabled at Committee October 8, 1996.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan in that it does not provide adequate off-street parking and further, represents an over intensification of use in that it proposes four times as many residents than the by-law permits.

2. The application cannot be supported for the following reasons:

   - the proposal conflicts with the intent of the Official Plan in that it does not provide adequate off-street parking. In this regard, 7 spaces are required to accommodate the additional 21 residents, whereas only 3 spaces are provided;

   - one of the prime goals of the Residential Care Facilities By-law is to provide residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 77 residents, or nearly four times that permitted in an "E-1" District (20 residents), would result in the creation of an "Institutional" use. On this basis, the proposal is contrary to the intent and philosophy of the By-law and Provincial policies, which were designed to encourage smaller facilities in residential neighbourhoods; and,

   - approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the Residential Care Facilities By-law.

3. The proposal conflicts with the approved Durand Neighbourhood Plan for Block "1". If the application is approved, Block "1" should be redesignated from "Commercial and Apartments" to "Medium Density Apartments".

4. The Public Works and Traffic Department note that the past applications to expand the existing facility have included reductions in the required off-street parking. The subject application proposes to increase in the existing facility by 21 beds, which requires 7 additional spaces. The applicant proposes only 3 additional spaces. To consider further

reductions in the required parking, the applicant is requested to provide information regarding the operation of the facility such as existing and anticipated number of employees, and any other information in support of the reduction in required parking. Without that information, the Department cannot support the proposed reduction. To date, nothing has been submitted to support the further reduction.

5. The Public Works and Traffic, and the Regional Environment Departments note that to provide for an adequate manoeuvring area adjacent to the three proposed parking spaces off of Charlton Avenue West, a mutual right-of-way should to be established on a portion of 15 Charlton Avenue. The applicant has submitted documents which indicate that there is such an agreement on title establishing a right-of-way in this location.

6. The Regional Environment Department advises that the sewers on Herkimer Street and Charlton Avenue are substandard. In this regard, the applicant, as a condition of approval, must submit a servicing study, including capacity calculations, outlining details regarding the demand the proposed development will place on the existing sewers, and provide verification that this demand will be adequately accommodated by the system. To date, the applicant has not submitted this information.

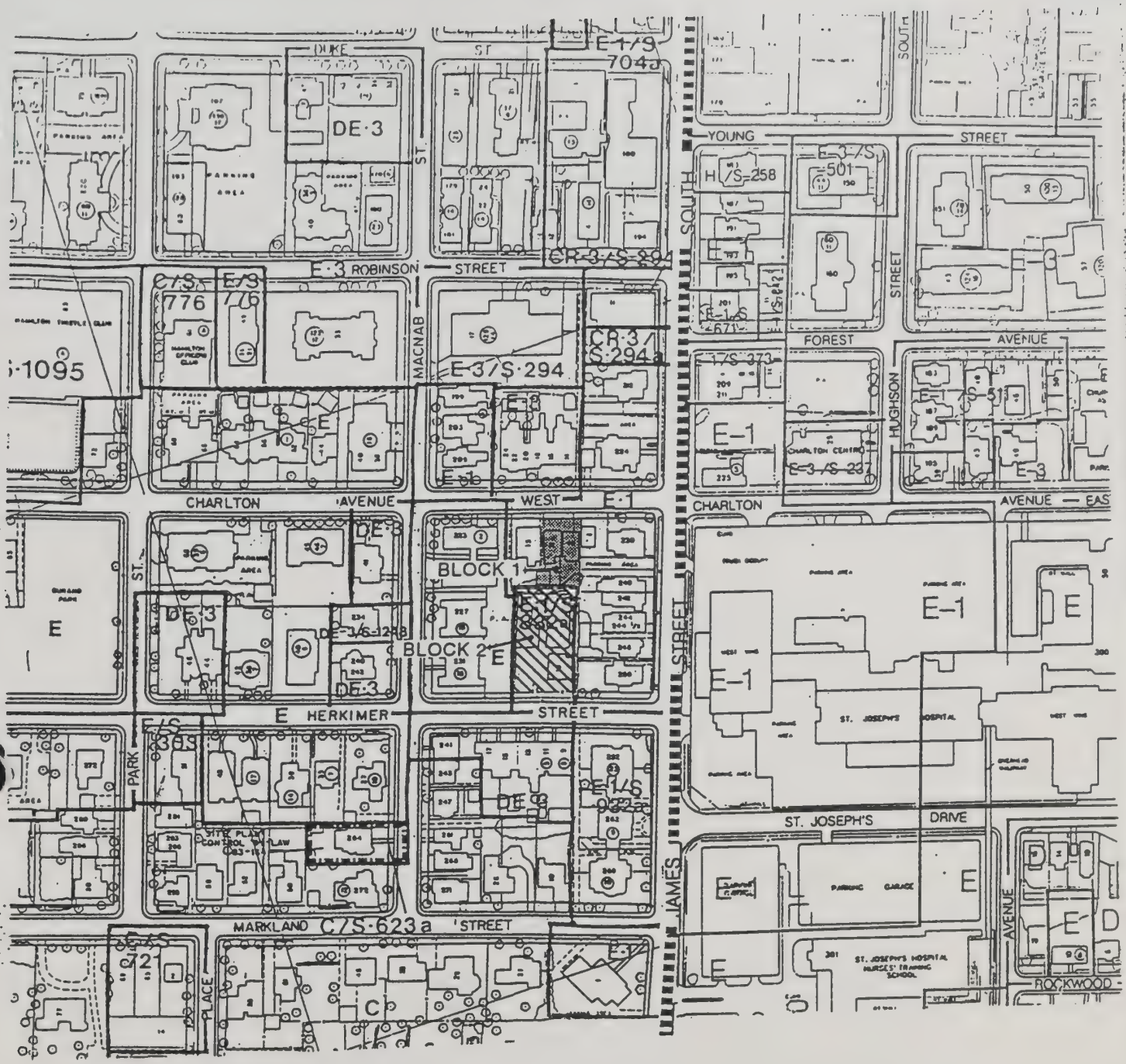
Should the Committee support this application, the subject lands should be placed in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed zoning district. This would prohibit the development until such time as the applicant has submitted the necessary information to the satisfaction of the Manager of Development. Council may remove the 'H' symbol, and give effect to the "E" District - modified provisions by enactment of an amending by-law once the condition is fulfilled.

7. The Building Department indicates that the drawings submitted may require clarification. In this regard, should the Committee support the application, approval should be tabled until the next meeting to enable staff to clearly determine all the variances required.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

CLF/
ZAC-96-12



ZAC-96-12

Legend

Proposed Change

BLOCK 1 — "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.

BLOCK 2 — Further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District.

APPENDIX A

Wednesday, 1997 January 22
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. M. Morrow
Alderman Wm. McCulloch
Alderman F. Eisenberger
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling

Regrets: Alderman G. Copps, Personal

Also present: Alderman M. Kiss
Alderman D. Ross
Victor Abraham, Director of Planning and Development Department
Vanessa Gruppe, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Mary Lou Tanner, Planning and Development Department
Steve Robichaud, Planning and Development Department
Patrice Noé Johnson, City Solicitor
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Peter Lampman, Building Department
Larry Harvey, Building Department
Mark Mascarenhas, Building Dept., Housing and Loans Div.
Bob Chrystian, Public Works Department
Tina Agnello, Secretary

1. **Zoning Application CI-96-K, from the City of Hamilton - Property Department, owner, for a change in zoning for property located at 8-10 Brantdale Avenue, from "G-3" District to "D" District modified**

A submission was received by James T. McKeen, Paramount Hardware Inc., 562 Upper James Street, Hamilton.

As recommended in a report dated 1997 January 15 from the Director of the Planning and Development Department and the Chief Administrative Officer, the Committee recommended to Council as follows:

(a) (i) That approval be given to City Initiative CI-96-K, for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified, for property located at 8-10 Brantdale Avenue, shown on the attached map marked as Appendix "A", on the following basis:

(1) That the lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District; and,

(2) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(a) That notwithstanding Section 10.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height; and,

(b) Notwithstanding Section 10(3)(ii) of Zoning By-law No. 6593, a side yard along each side lot line of a width of at least 0.91 m (3.0 ft.) shall be provided and maintained; and,

(c) Notwithstanding Section 10(4)(i) of Zoning By-law No. 6593, each lot for a single-family dwelling shall have a minimum lot width of 9.0 m (30 ft.) and an area of at least 275 m^2 (2960 S.F.); and,

(d) That the total gross floor area of all dwelling units or parts thereof on each lot shall not exceed 0.45 times the lot area; and,

(e) Notwithstanding Section 2.(2)J.(viiia) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

(i) an attached garage;
(ii) a detached garage; and,
(iii) the floor occupied by heating, air conditioning and laundry equipment;

(f) For the purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9; and,

(g) In addition to the requirements of Section 18A of Zoning By-law No. 6593, where a dwelling is constructed with an attached garage, then the finished level of the private garage floor shall be a minimum of 0.3 metres above grade; and,

(h) That a visual barrier not less than 1.2 m to 2.0 m in height shall be provided and maintained along a lot line that abuts a commercial district; and,

(i) That any visual barrier along any side lot line shall be setback a minimum of 2.0 m from the front lot line; and,

(j) That Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the subject lands; and,

(3) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1373, and that the subject lands on Zoning District Map W-7 be notated S-1373; and,

(4) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-7 for presentation to City Council; and,

(5) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. **Rental Housing Protection Act Application RR-96-01, 123-125 Bold Street**

Vanessa Gruppe advised the Committee that this application for renovation does not adversely affect the supply of rental housing in Hamilton. Two units are to be removed from the rental housing stock and 16 units are directly affected by the renovation. There are 111 units in total of one bedroom and bachelor apartments. As of December, 1996, 20 units were vacant. The rents are from $200 - $419 per month and are affordable. Future rents are subject to rent review and cost of the renovations. The tenants are able to move to vacant units elsewhere in the building elsewhere in the building if they must be relocated. The only condition of approval is that any outstanding taxes to the City be paid.

Ronald Vloothuis was present on behalf of the applicant. He stated that the rental units will continue to be rentals. There are many renovations being undertaken by the owner. New windows have already been put in and now an elevator is being installed. The reason for these renovations is that the owner is trying to offer better service in the building and reduce the level of vacancy.

As recommended in a report dated 1997 January 15 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Application RR-96-001, under the Rental Housing Protection Act, Bold Street Holdings Ltd., owner, for renovations to the buildings at 123 - 125 Bold Street, Hamilton, containing 111 rental apartment units, as shown on Appendix "B", subject to the following condition:

(i) That the owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,

(b) That upon satisfaction of the above-noted condition, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

3. **DELEGATIONS**

(a) **Helen Kirkpatrick,Carl Turkstra and Rick Lintack: Request for support to make Regional Roads in the Downtown Core into Two Way Streets**

Submissions were received from the following:

(i) Helene Fallen, President, Durand Neighbourhood Association
(ii) International Village B.I.A.

Rick Lintack stated that he is a member of the Hamilton Society of Architects and operates a business on James Street South. He stated that the main idea of two way streets in the downtown core came from the Downtown Ideas Charrette. It has been identified as one of the major concerns of the downtown core. Most people concerned with keeping the downtown streets one way are concerned solely with transportation flows. He stated that two way streets are healthier for the downtown core and he requested a two year trial period so that two way traffic flows can be evaluated in terms of traffic and benefits to the downtown core. He stated that the Committee is proposing to revert to two way traffic King Street between Victoria and Queen Streets; James Street between the escarpment and the Harbour and John Street between the escarpment and the Harbour.

Helen Kirkpatrick of 192 Bay Street North was also present. She stated that she has been a member of the Central Beasley PRIDE Hint group and also the Downtown Development Corporation. She sees great advantages to living in the downtown core, but also notices that many parking lots are appearing and there are less homes and many empty stores. She stated that it is required that the City of Hamilton has a multi-purpose downtown and that people be made a priority over vehicles. She stated that there is strong neighbourhood support for two way streets in the downtown core and also support from the Hamilton Society of Architects and the International B.I.A. She stated that two way streets in the downtown core are required if we are to revitalized the downtown.

Carl Turkstra, owner of a lumber business in the City of Hamilton, was present. He stated that he also lives downtown. He stated that from a technical perspective one way streets are very confusing to any stranger visiting the downtown. He stated that it is not an efficient system to get people to stay and visit the downtown core. It is only efficient to get people through the downtown core. He stated that if the traffic flow is changed people's behaviour patterns change as well. He noted that the escarpment roads are mainly two way. In conclusion, he stated that a system should enhance the downtown and that the question of two way streets is not simply a traffic question.

Mayor Morrow concurred and stated that both from a philosophical and practical side it makes sense to change the roads to two way streets. The Mayor confirmed Alderman McCulloch's notion for the necessity of the perimeter road. He stated that in any event, the decision for the downtown streets should involve public discussions.

The Chairperson pointed out that the Committee has no jurisdiction and that any comments made will be referred to the Regional Transportation Services Committee and to the Transport and Environment Committee.

Alderman McCulloch stated that if a perimeter road was built then the two way streets in the downtown core would not pose a problem since the overflow could be carried on the perimeter road.

Alderman Caplan concurred that this is not only a traffic issue, but a planning issue as well and that the downtown must be made pedestrian friendly. He suggested that bus lanes be considered against traffic on Main Street.

Eugene Chajka explained to the Committee that the Regional Transportation Services Committee has previously had a recommendation to study two way traffic in the downtown area but, as of yet, there have been no terms of reference for study and no consultant hired.

Alderman Merling added that six months ago, this issue was raised at the Transportation Services Committee.

Following a brief discussion, the Committee resolved to recommend to Council as follows:

> That the City Council support the initiative to consider a change in the traffic pattern in the Downtown Core, that the report to do so be expedited, and that this resolution be forwarded to the Regional Transportation Services Committee and the Transport and Environment Committee for consideration.

(b) **John Ross and the Westdale Home Owners Association regarding the Enforcement of the Building By-law with Respect to Student Housing in the Ainslie Wood and Westdale Neighbourhoods**

A submission was received from Mr. John Ross. Mr. Ross stated that he is acting on behalf of the Neighbourhood Associations in Ainslie and Westdale neighbourhoods. He stated that students sometimes occupy homes to the detriment of the neighbourhood. He stated that the City's hands are not bound by Provincial legislation and that there is no housing shortage in Westdale. McMaster has agreed to send letters to all grade 13 students who are accepted to McMaster advising them not to live in these houses. He stated that at present the City's By-law refer to single-housekeeping units or establishments. With regard to this he stated that the landlord and tenant relationship is important. If someone collects rent it is not a housekeeping unit. Of 73 cases that have gone to court in the City of Hamilton, there have been 70 convictions and only three cases with acquittals. The three cases should be reviewed. He also stated that tenancy cannot be determined with regard to separate locks or keys, many houses advertise ten beds and eight beds and the cost of rent and therefore this shows it is not a single housekeeping unit or establishment.

He continued by stating that the Building Department may get 15 day search warrants in order to obtain access to homes and review the number of beds. He gave an example of one property which a garage was converted into four beds and is now going to Committee of Adjustment for approval. In his opinion, the owners should have been charged with doing work without a permit. He also gave an example where people buy abutting side lots and build two homes separately without getting a severance. Since many people obtained building permits prior to the passing of the Monster Home By-law, they should be required to build according to the original plan and not make any modifications. He suggested that the City adopt a policy on these types of

homes and that he even quoted an Ontario Municipal Board Chairman who asked why the City lacks a policy which negatively impacts on residents.

The Mayor pointed out that the Committee has consistently voted support the Ainslie and Westdale neighbourhood residents. There have been attempts to deal with these issues and the Committee and Council have been much frustrated with some of the events which have occurred.

Alderman Kiss suggested that a more aggressive and pro-active approach be undertaken by the City departments.

Following discussion, the Committee resolved as follows:

> That the Law and Building Departments be directed to respond to the issues raised in the presentation of Mr. Ross and that this report be brought to a subsequent meeting of the Planning and Development Committee.

(c) **Alderman Don Ross and Mr. & Mrs. Mohammed Regarding the OHRP Application for 261 Cranbrook Drive**

Mr. & Mrs. Mohammed and their son were present. Mrs. Mohammed stated that, back in 1987, they applied for funds through a Barrier Free Design through the OHRP Program and also moved to another house in order to accommodate Barrier Free Design. She got six quotes for an elevator and was referred to two contractors by the City and therefore agreed on one of the referrals. They had obtained a used elevator to be installed. The contractor decided he would not put the elevator in and the jobs which were completed were unsafe, but were passed by City inspectors. She stated that the main purpose of the retrofitting is to make the disabled person independent. She stated that a safe exit does not exist. The City held back $2,875 and by the time it may have been released, the program was cancelled and the money taken back. She requested that the $2,875 owing be re-directed towards the elevator.

In response to a question, she stated that the money will not cover the cost of the elevator but will help with the costs already spent.

Mark Mascarenhas advised that he is prepared to search for the funds in the existing accounts, and also suggested that a letter of release be signed regarding the pending legal suits.

Correspondence was submitted by Mr. and Mrs. Mohammed.

Following discussion, the Committee resolved to forward to Council the following recommendation:

> That the City of Hamilton through the Building Department Housing and Loans Division, without prejudice, reimburse Mr. and Mrs. Mohammed of 261 Cranbrook Drive in the amount of $2,875 which was payable through the former OHRPD programme, and that the payment be subject to the Mohammed's signing a letter of release regarding the outstanding legal action.

4. (a) City Initiative 91 I - Mobile Signs, Authorization for Public Meeting

As recommended by the Director of the Planning and Development Department in a report dated 1997 January 15 the Committee approved the following:

> That staff be directed to schedule a Public Meeting of the Planning and Development Committee for 1997 February 5 at 9:30 a.m., to consider a draft by-law to regulate mobile signs in accordance with The Municipal Act, R.S.O., modified from the July 3 draft by-law considered by the Planning and Development Committee, on the following basis:
>
> - delete reference to prohibition of third party advertising;
> - increase the maximum number of days per year from 90 days to 180 days;
> - increase the maximum permit period from 15 days to 60 days (a maximum of 4 consecutive 15 day permits);
> - cost of each 15 day permit increment remains at $35;
> - modify the hiatus period from 30 days to be equal to the time period on the most recent mobile sign permits on the property (eg. if a permit is issued for 30 consecutive days then a hiatus period of 30 consecutive days must elapse before another permit can be issued for the same property);
> - change permits issued per property to permits issued per business, subject to the hiatus restrictions; and,
> - clarify reference to "City sponsored events"and applicable regulations.

(b) **ZAC-96-05 and SAC-96-01, 177 Rymal Road East and 1684 Upper Wellington Street (previously tabled)**

Terry Johns of May, Pirie, Dakin & Associates Limited was present. She stated that at present a solution has not been reached but she would like to move forward with the application. She stated that the question of the triangle being land-locked is not true; it can be accessed to roads and can be amalgamated with other lands owned by the same owner.

Alderman Merling stated that he is concerned with Block 1, the original plan called for a cul-de-sac. He is not opposed to the development of Block 2 or 3. He questioned how the RT-20 lands can be developed if Block 1 is developed.

Sergio Mancia was present. He stated that this is not a comprehensive approach and that the triangular parcel of land in question will be land-locked.

Terry Johns requested that Blocks 2 and 3 be approved and that Block 1 be tabled in order to go into further discussions with regard to the triangular portion of the property.

Following discussion, the Committee resolved that the application be tabled for a period of four weeks and come back to the second meeting in February, 1997.

4. (c) **Hamilton Society of Architects - Downtown Charrette**

As recommended in a report dated 1997 January 14 from the Director of the Planning and Development Department the Committee recommended to Council as follows:

(i) That Council forward a letter of thank you to the Hamilton Society of Architects, which commends their hard work, enthusiasm, and commitment to finding positive and meaningful solutions for downtown Hamilton; and,

(ii) That the report entitled "Hamilton Downtown Ideas Charrette: Final Report" be received and referred to the Downtown Partnership for coordination with the "Strong Medicine" Report; and,

(iii) That staff and the Downtown Partnership continue to work on the implementation of the conclusions numbered 1-5, as outlined in Appendix "C"; and,

(iv) That the conclusions numbered 6, 7, and 8, as outlined in Appendix "C", respecting the downtown planning be incorporated into the terms of reference for the Downtown Neighbourhood Secondary Plan; and,

(v) That the conclusions numbered 9 and 10, as outlined in Appendix "C", respecting parking and two-way traffic, be referred to the Downtown Initiatives Committee for review and recommendation.

(d) **Proposed 1997 Planning Tariff Fees**

Victor Abraham advised that the consultants recommendations are not being forwarded but that the Planning Department is maintaining the present fees with the cost of living increase. These increases have already been incorporated in the budgets for the past two years and for the present year. These recommendations are being based on a user fee policy adopted in 1995.

Dan Condon of the Home Builders Association was present. He was concerned that the Home Builders Association had not been notified of this report. He stated that the cost for services should be based on what it costs to provide the service, not what it costs in other municipalities.

Alderman Eisenberger pointed out that most of the fees are actual costs associated with doing the work.

Alderman D'Amico suggested that a comparative analysis from the surrounding municipalities be incorporated into the report.

Following brief discussion the report was tabled for a period of two weeks in order to allow Planning staff to prepare a more comprehensive report on the matter.

(e) **Added Item - Site Plan DA-96-23 for Lands at 130-136 Kenilworth Avenue North**

Caroline Floroff advised that this is before the Committee because it has not received the signature of the Ward Aldermen.

As recommended by the Director of the Planning and Development Department in a report dated 1997 January 17 the Committee approved the following recommendation:

> That approval be given to Site Plan Control Application DA-96-23 by 1150683 Ontario (Maureen Worron-Sauve), owner, of lands at 130-136 Kenilworth Avenue North, as shown on the attached map marked as Appendix "D", for development of a 48 seat restaurant, with a drive-through window and related parking area, subject to the following:
>
> (i) Site Plan Control By-law No. 79-275 being amended to include the subject lands; and,
>
> (ii) final approval of Committee of Adjustment application A:96-299; and,
>
> (iii) modification to plans in relation to notes, and dimensions, as marked in red on the plans; and,
>
> (iv) provision of a note on the plan indicating that the applicant/owner enter into an appropriate Lease Agreement with the Region for a portion of the Water Works Pipeline Lands (being part of Lot 2 Concession 2, in the Township of Barton) abutting 136 Kenilworth Avenue North, being triangular in shape and comprising an area of 9.08 square metres (approximately 97.8 square feet); and,
>
> (v) provision of a note on the plan indicating that the applicant/owner enter into a Landscape Encroachment Agreement with the City regarding the proposed landscaping in the Roxborough Avenue road allowance.

*** Alderman Merling opposed.**

5. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

Sesquicentennial Banners

Hazel Milsome advised that, even though the recommendation is to sell the banners through a sealed bid, she pointed out that there are other parties who have an interest in the banners, such as the Sesquicentennial group, the Locke Street Association and the seven B.I.A.'s.

Alderman Caplan requested that 40 banners go to the Locke Street Merchants Association to be re-used.

Alderman D'Amico suggested that every ratepayer in the City have equal access to the banners.

Hazel Milsome explained that originally the cost of the banners came out of the Commercial Improvement Programmes which is set aside for the Business Improvement Areas.

The Mayor suggested that all parties get together and agree on a division of the banners.

Alderman Charters stated, and the Committee concurred, that a price be set and that they be sold at a free market.

Following brief discussion, the Committee recommended to Council as follows:

(a) That the Public Works and Traffic Department be authorized to give to each Business Improvement Area in the City of Hamilton 5 sesquicentennial banners free of charge ; and,

(b) That the remaining sesquicentennial banners be sold at a cost of $25 each, inclusive of G.S.T. ; and,

(c) That the revenue derived through the selling of the banners be credited to the account utilized to purchase same (Account Number CF 5698 428705099 - the Commercial Improvement Program).

6. CONSENT AGENDA

A. ADOPTION OF MINUTES

The minutes of the meeting held 1996 December 4 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) **Concession Street B.I.A., Alleyway Lighting - Commercial Improvement Program - dated 1997 January 21:**

(i) That under the Commercial Improvement Program, luminaries be affixed to building faces abutting alleyways within the Concession Street B.I.A., to increase security of the alleyways; and,

(ii) That the City Solicitor be authorized to prepare the necessary legal agreements to attach and maintain the lighting fixtures to private property; and,

(iii) That the Mayor and City Clerk be authorized to execute the agreements referenced in (b) above.

(b) **Revised Crown Point East/McAnulty Neighbourhood Revitalization - Fundraising - dated 1997 January 21:**

(i) That the City of Hamilton accept donations of $30,000 from the Crown Point East/McAnulty Citizens' Advisory Committee/individual donors for future construction of capital projects in St. Christopher's Park/Pipeline Park; and,

(ii) That the funding appropriation for the Capital Budget Project entitled Crown Point East/McAnulty, Account No. CP4010 429407001 be increased to $430,000 from $400,000 to include the neighbourhood/individual donations; and,

(iii) That the City Solicitor be authorized to amend the appropriate By-law to increase the gross cost from $400,000 to $430,000, subject to receiving $30,000 donation, with no increase in debenture authority; and,

(iv) That an income tax receipt be issued for each donation to the City of Hamilton for $10 or more.

C. (a) **Canadian Mental Health Association - Joint Rehabilitation Loan Program - dated 1997 January 13:**

(i) That the City of Hamilton reimburse the Canadian Mental Health Association $39,619.89, representing the remainder principal portion of the original grant of $325,000; and,

(ii) That, as agreed by the Canadian Mental Health Association, the interest earned on the fund since inception, currently amounting to $24,652.13, be retained by the City for administration charges which is to be credited to account CH 44008 50001.

(b) **Street Festival Component Barton Street Revitalization Program - dated 1997 January 13:**

(i) That $25,000 of the $40,000 budget of the Street Festival Component of the 1996-1997 Barton Street Redevelopment Program be reallocated to the Street Enhancement Component; and,

(ii) That $25,000 of the $40,000 budget of the Street Festival Component of the 1997-1998 Barton Street Redevelopment Program be reallocated to the Street Enhancement Component; and,

(iii) That staff be authorized and directed to request approval from the Ministry of Citizenship, Culture & Recreation for the reallocation of funds as stated above.

(c) **152 Simcoe Street East - Demolition - dated 1997 January 13:**

That the Building Commissioner be authorized to issue a demolition permit for 152 Simcoe Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(d) **327 Hixon Road - Hamilton Emergency Loan Program - dated 1996 December 5:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000) be approved for Emily Archer, 327 Hixon Road. The interest rate will be 8 per cent amortized over 5 years.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) **Request for a Two Year Extension for the Approval of Site Plan Control Application DA-93-32 for a Parking Area and Addition to the existing Building at 121 Highway No. 8 - dated 1997 January 06**:

That approval be given to the request by Bowlerama Limited, owner of the lands at 121 Highway No.8 , as shown on the attached map marked as Appendix "E", for an extension to the approval of Site Plan Control Application DA-93-32 to January 19, 1998, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

(b) **Part Lot Control Application 96-03 "Rymal Square Estates" - dated 1997 January 10:**

(i) That approval be given to Part Lot Control Application 96-03, 100 Main Street East Ltd., owner, to remove part-lot control for Lots 67 - 78, inclusive, located in "Rymal Estates", to permit the creation of 11 lots from the existing 12 lots, as shown on the attached map marked as Appendix "F"; and,

(ii) That the attached By-law, marked as Appendix "G" to remove part lot control from Lots 67 to 78 inclusive, Registered Plan 62M-679, "Rymal Estates" plan of subdivision, be enacted by Council; and,

(iii) That the exempting By-law be restricted to a 90 day effective time period; and,

(iv) That following the enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.

(c) **Part Lot Control Application 96-01 "Allison Estates - Phase 1, Stage 2 - Request for Extension - dated 1997 January 14:**

(i) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc., owner, for a 3 month extension to remove part-lot control to establish maintenance easements for Lots 1 - 19, inclusive, located in "Allison Estates, Phase 1, Stage

2", Registered Plan No. 62M-795, as shown on Appendix "H"; and,

(ii) That the attached By-law, marked as Appendix "I" to extend part-lot control from Lots 1 to 19, inclusive, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2" plan of subdivision, effective until April 1, 1997, be enacted by Council.

(d) **City Initiative 96-J, Parking Standards for Single Detached Dwellings - Request for Authorization to Hold a Public Meeting - dated 1997 January 15:**

The Committee resolved to direct staff to hold a public meeting regarding the parking standards for single family dwellings and associated technical definitions.

(e) **Official Plan Amendment No. 66 - City of Stoney Creek Request for Deferral - Cardinal Newman High School Site - dated 1997 January 10:**

(i) That the City of Hamilton request the Regional Municipality of Hamilton-Wentworth to defer the Medium Density designation on Schedule A5 - Secondary Plan and Policy 13.5.15 of the City of Stoney Creek Official Plan Amendment No. 66 (Olde Town Secondary Plan) until such time as the City of Hamilton and the City of Stoney Creek can resolve the planning issues related to the Cardinal Newman High School site; and,

(ii) The City Clerk be requested to inform the City of Stoney Creek of the City of Hamilton's request for deferral for the above noted policy and Secondary Plan designation.

(f) **Amendment to Site Plan Control By-law 79-275 to Incorporate Lands at 130 - 136 Kenilworth Avenue North (DA-96-23) - dated 1997 January 10:**

That Site Plan Control By-law No. 79-275, as amended, be further amended to include lands at 130-136 Kenilworth Avenue North, as shown on the attached map marked as Appendix "J".

(g) **Authorization for Staff Attendance at an Ontario Municipal Board Hearing Respecting 85 Mountain Avenue (B-96-6)-dated 1997 January 10:**

That the appropriate staff (eg. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to approve Application No. B-96-6, respecting a land severance for lands located at No. 85 Mountain Avenue, as shown on the attached map marked as Appendix "K".

(h) **"Bar-Brock Estates - Phase 4", "Eagleview Estates - Phase 1", Hamilton, Cash Payment in Lieu of 5% Parkland Dedication - dated 1996 December 2:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000) be approved for Emily Archer, 327 Hixon Road. The interest rate will be 8 per cent amortized over 5 years.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee acknowledged the following items for information which were received under separate cover:

(i) Building Commissioner re: Clean Soils Inc. - Pier 26, Eastport Development, 605-609 James Street North, dated 1996 November 20.

(ii) Regional Clerk's Office re: Proposed Niagara Escarpment Plan Amendment PC/113/96, Heritage Policies for Second Dwellings, dated 1996 December 4.

(iii) Secretary, LACAC re: LACAC Minutes of 1996 November 11, dated 1996 December 9.

(iv) City Solicitor re: OMB - Hamilton Harbour Commissioners Appeal, dated 1996 December 4.

(v) Commissioner of Public Works and Traffic re: Barton General BIA Strategic Plan, dated 1996 December 10.

(vi) Secretary, LACAC re: LACAC Minutes of 1996 December 9, dated 1996 January 13.

(vii) Director of Planning and Development re: Approved Site Plan Control Applications, dated 1997 January 10.

7. ALDERMAN KISS

(i) 33 Clifford
(ii) 102 Ainslie
(iii) 1516 Main Street West
(iv) 60 Newton
(v) 73 Holmes

Following brief discussion, the Committee concurred with Alderman Kiss' request to direct the Building Department to prepare an information report on the above-noted addresses.

8. OTHER BUSINESS

(a) Livable Cities Conference

The Committee recommended the following to Council for approval:

(i) That Alderman W. McCulloch be authorized to attend the 1997 Making Cities Livable Conference, to be held March 9 to 13, Charleston, South Carolina; and,

(ii) That costs for attendance be allocated to Alderman Travel Account No. CH55201 10010 from the 1997 Operating Budget.

(b) **APA Conference**

The Committee recommended the following recommendation to Council for approval:

(i) That the Chairperson of the Planning and Development Committee or his designate be authorized to attend the 1997 APA National Conference, to be held April 5 to 9, San Diego, California; and,

(ii) That costs for attendance be allocated to Alderman Travel Account No. CH55201 10010 from the 1997 Operating Budget.

9. PRIVATE AND CONFIDENTIAL AGENDA

The Committee adjourned into closed session and reconvened immediately thereafter with no report.

10. ADJOURNMENT

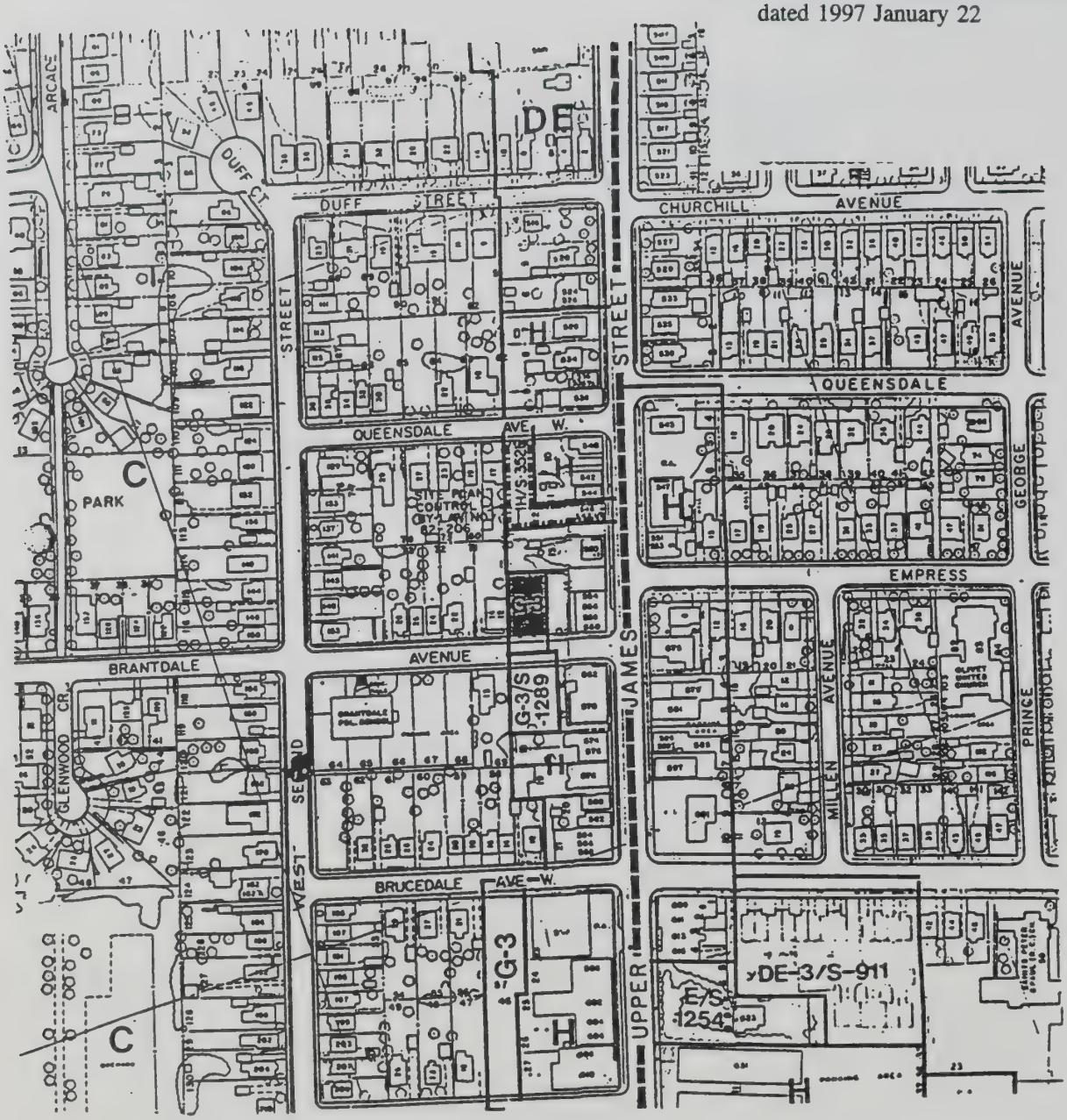
There being no further business, the Committee meeting adjourned.

Alderman D. Drury, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in Section 1 (a)(i) of the Planning and Development Committee Minutes dated 1997 January 22



Legend

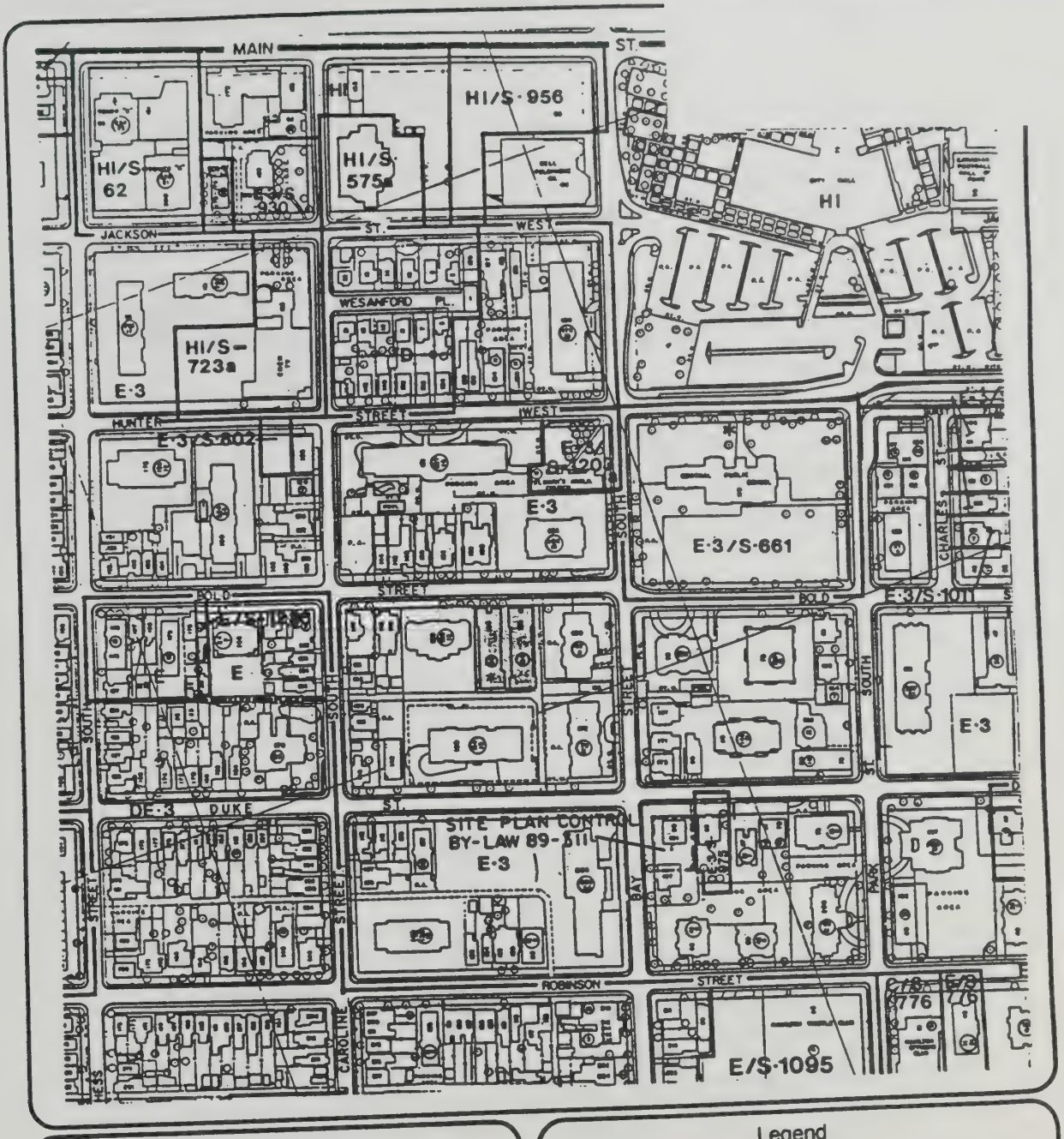
Site of the Application

CI-96-K

From: "G-3" (Public Parking Lots) District

To: "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District - modified

Appendix "B" as referred to in Section 2 (a) of the Planning and Development Committee Minutes dated 1997 January 22



City of Hamilton

Key Map

Rental Housing Protection Act

123-125 Bold Street

Planning and Development Department

Legend

Appendix " "

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	RR-96-001
	Date	Drawn By
	November 1996	R.L

Appendix "C" as referred to in Section 4 (c) of the Planning and Development Committee Minutes dated 1997 January 22

CONCLUSION

In celebrating the City of Hamilton's Sesquicentennial Birthday, the Hamilton Society of Architects unanimously agreed the most appropriate gift we could present our city with would be in the area we, as a group of professionals, excel in - namely - in the understanding of how and why cities work.

The purpose of the "Downtown Ideas Charrette" was to bring an understanding to the public why our downtown is in such decline and what steps can be taken to bring a new sustainable life to downtown Hamilton. Public awareness of the issues and solutions are critical to the revitalization of our city-centre, as the main ingredient to the solution is the public's incentive to bring back our city-centre as the heart of our community, reflecting our energy, vibrancy, aspirations and entrepreneurial spirit.

What follows is list of recommendations collected and summarized from the 5 teams by the Charrette Organizing Committe. If these recommendations are realized we as a community can be very hopeful that our "heart" may once again beat with some certainty.

1 Lobby the provincial government for re-evaluation of downtown as a special enterprise zone with property assessment policies on either a market value, actual value or unit value tax assessment base.

2 Focus on attracting new growth and small scale manufacturing industries to downtown Hamilton (regional wineries, biomedical firms, telecommunications industries, etc.).

3 Create a "Hamilton Downtown Facilitator" position with an urban design/architectural background operating at arm's length from government bodies responsible for:

- Promoting development opportunities,
- Recruiting tenants,
- Facilitating and encouraging development permit applications,
- Encouraging site regeneration vs. demolition,
- Generating and maintaining an inventory of available space,
- Matching occupancy opportunities with available space,
- Coordinating event based promotions,
- Coordinating and managing marketing promotions, etc.

4 Market downtown as a dynamic, environmentally clean and convenient live/work environment focussing on growth/redevelopment potential and telecommunications strength.

5. Together with emerging existing occupancies (educations, medical, commercial, retail, institutional, cultural...) encourage new occupancies that promote a robust residential population namely:

- Affordable housing,
- Student accommodation,
- Condominium conversions (ex. Piggott building),
- "H-Offices" (home office environments),
- Loft conversions, etc.

6. Create the Downtown as a separate neighbourhood.

7. Establish the downtown as a "no zone" zone deregulating zoning and reducing red tape. The "no zone" policy should include:

- Restrictions on land uses to be limited to noxious uses and certain types of industrial uses,
- Development should be controlled through a development permit process and built-form standards such as density, building height, setbacks/build-to lines, parking and servicing requirements,
- A maximum building height of 6 storeys,
- Elimination of all development charges.

8. Develop a series of 'green links' as the primary organizing framework for the core connecting existing and proposed streets, parks, cultural facilities and other precincts within the core.

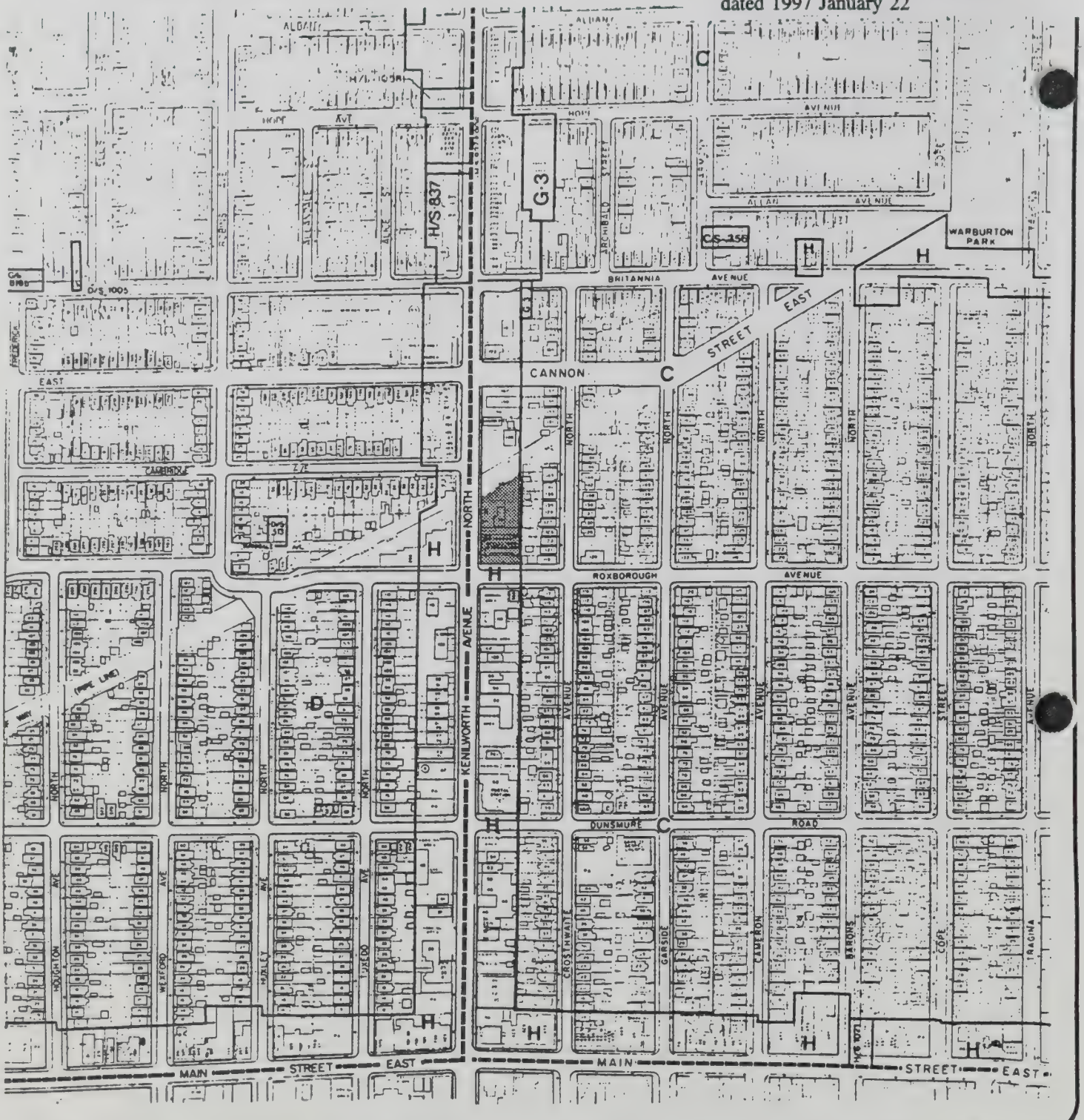
9. Parking

-Introduce a parking credit system encouraging businesses to buy parking (or granted by the City to tax paying businesses) as an incentive for their customers.
-Implement a more tolerant parking enforcement policy with warning notice issuance prior to fine enforcement.
-Encourage lower prices for short-term parking.
-Employ new technologies providing parking rights by time and on a broader payment basis (i.e. credit card payment, card accounts).
-Reduce the number of parking lots.

10. Return James St. And King Streets to two-way traffic.

Appendix "D" as referred to in Section 4 (e) of the Planning and Development Committee Minutes dated 1997 January 22

CROWN POINT EAST 34



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-96-23

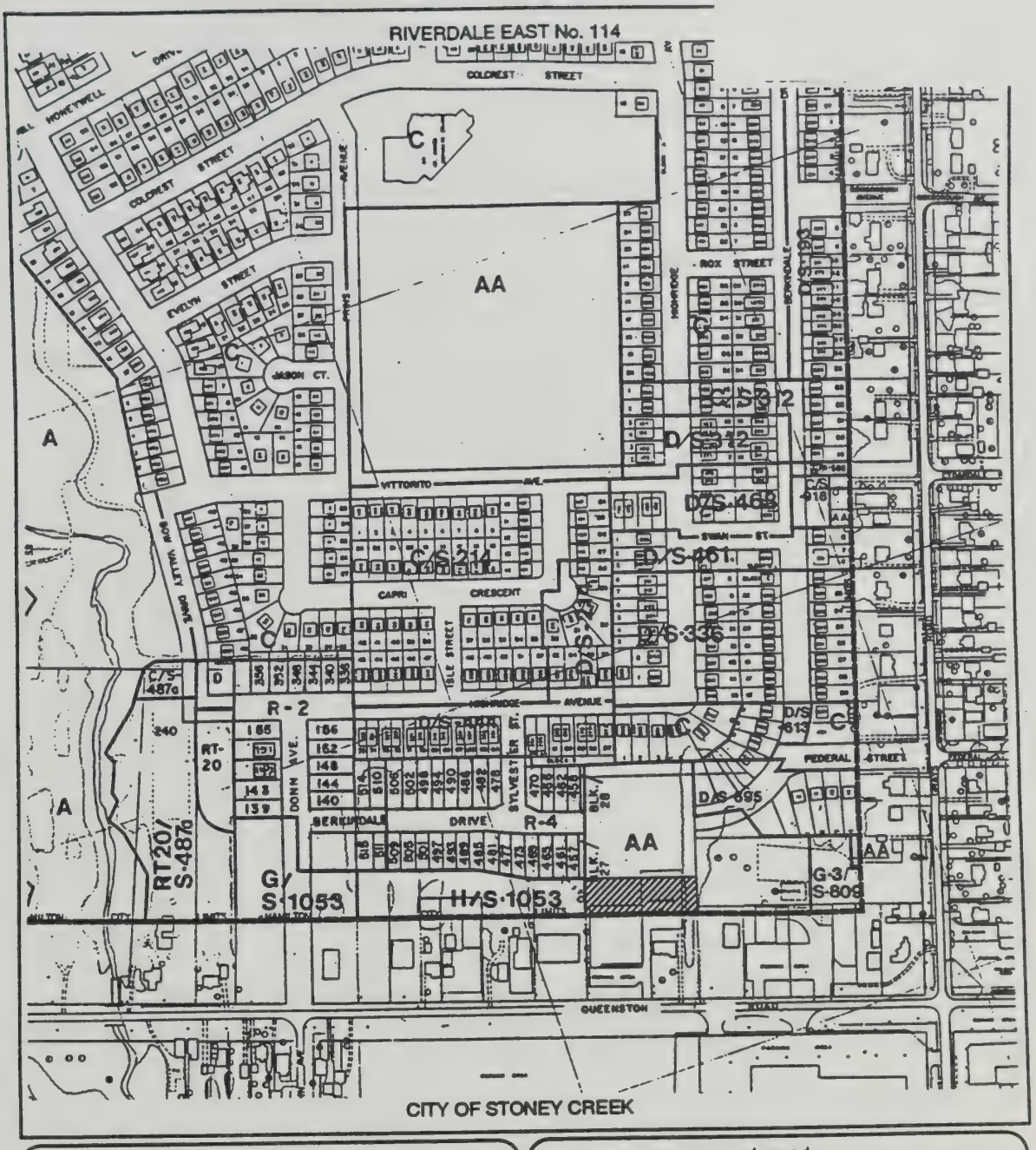
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-96-23
	Date	Drawn By
	OCTOBER 1996	R.L..

Appendix "E" as referred to in
Section D. (a) of the Planning and
Development Committee Minutes
dated 1997 January 22



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-93-32

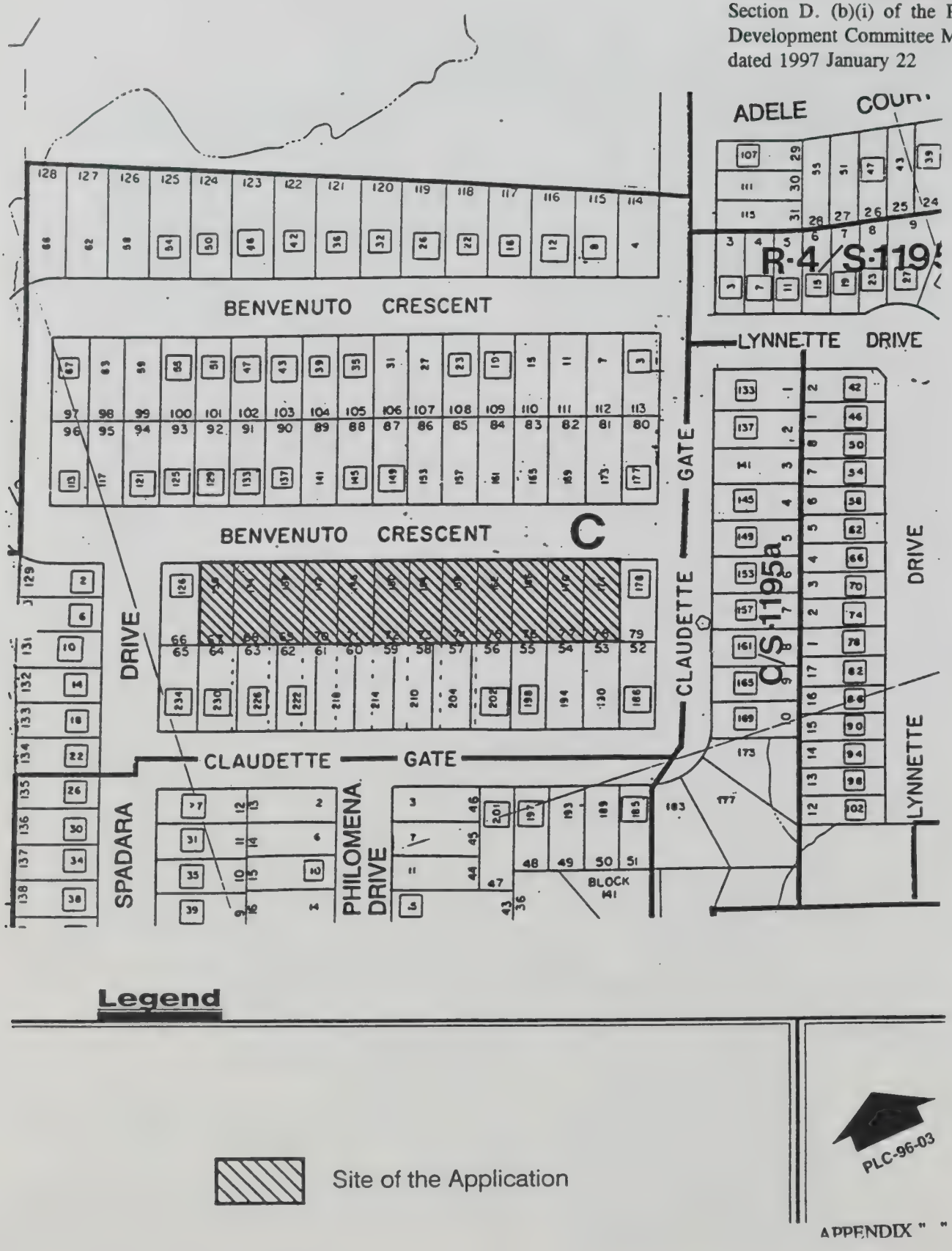
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	NOT TO SCALE	DA-93-32
	Date	Drawn By
	SEPTEMBER 1993	Z.K.

Appendix "F" as referred to in Section D. (b)(i) of the Planning and Development Committee Minutes dated 1997 January 22



Appendix "G" as referred to in
Section D. (b)(ii) of the Planning and
Development Committee Minutes
dated 1997 January 22

The Corporation of the City of Hamilton

BY-LAW NO. 97—

To Remove
Land within the "Rymal Estates" Subdivision, Plan 62M-679
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

APPENDIX " "

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, shall not apply to the following lands:

   Lots 67 to 78 inclusive within Registered Plan Number 62M-679, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

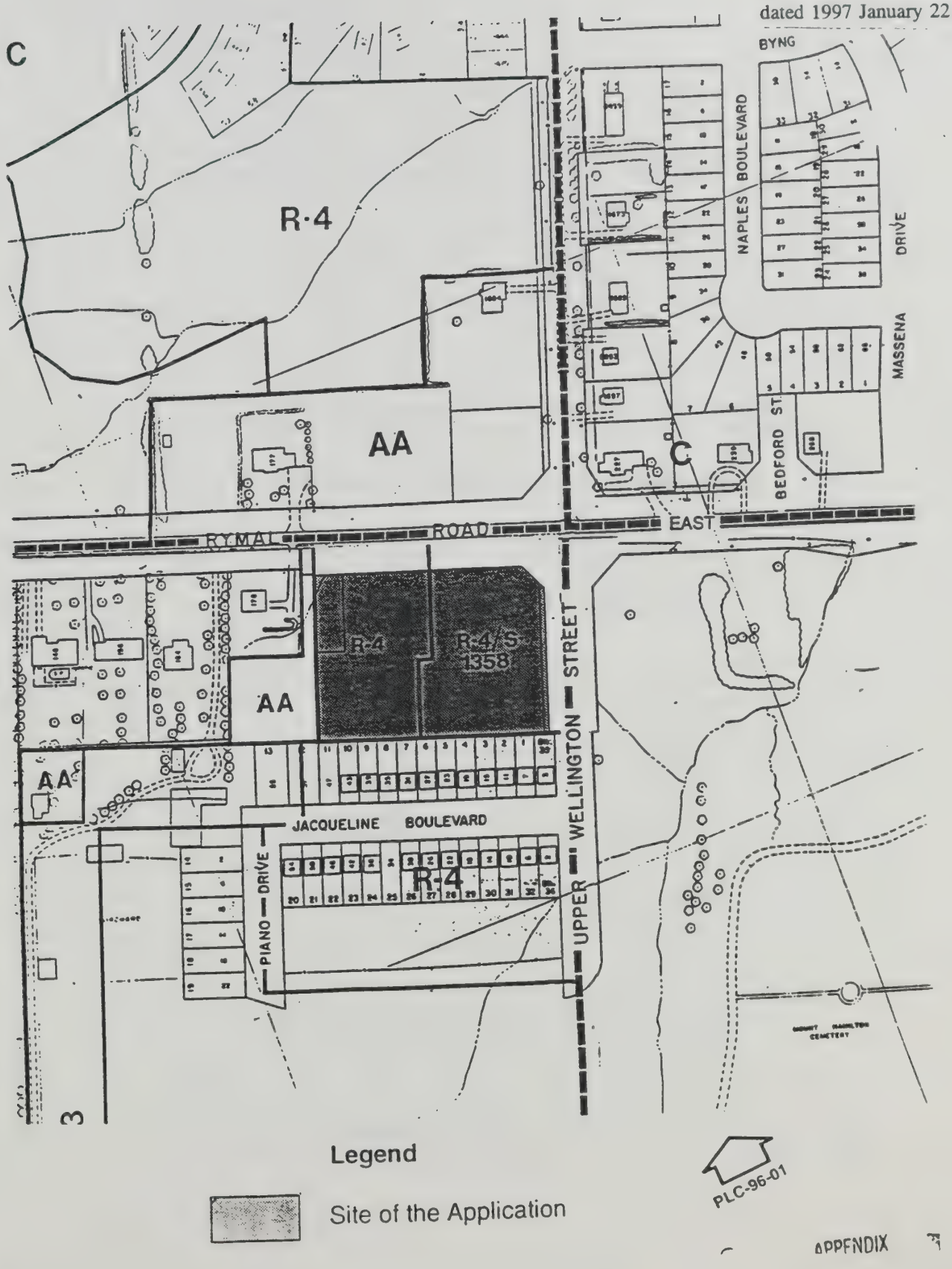
   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on May 1, 1997.

PASSED this day of A.D. 1997.

City Clerk Mayor

Appendix "H" as referred to in Section D. (c)(i) of the Planning and Development Committee Minutes dated 1997 January 22



Appendix "I" as referred to in
Section D. (c)(ii) of the Planning and
Development Committee Minutes
dated 1997 January 22

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Extend By-law No. 96-174

Respecting:

LAND WITHIN THE "ALLISON ESTATES - PHASE 1, STAGE 2" SUBDIVISION, PLAN 62R-13933

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

> (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
>
> (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
>
> (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
>
> (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
>
> (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
>
> (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 96-174 on October 29, 1996 to remove the lands described in section 1 thereof from part lot control, which by-law shall expire on February 1, 1997;

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 96-174;

AND WHEREAS approval under subsection (7.1) is not required for an extension in accordance with subsection (7.4);

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 96-174 is hereby repealed and the following substituted therefor:

"(c) This By-law shall expire on April 1, 1997."

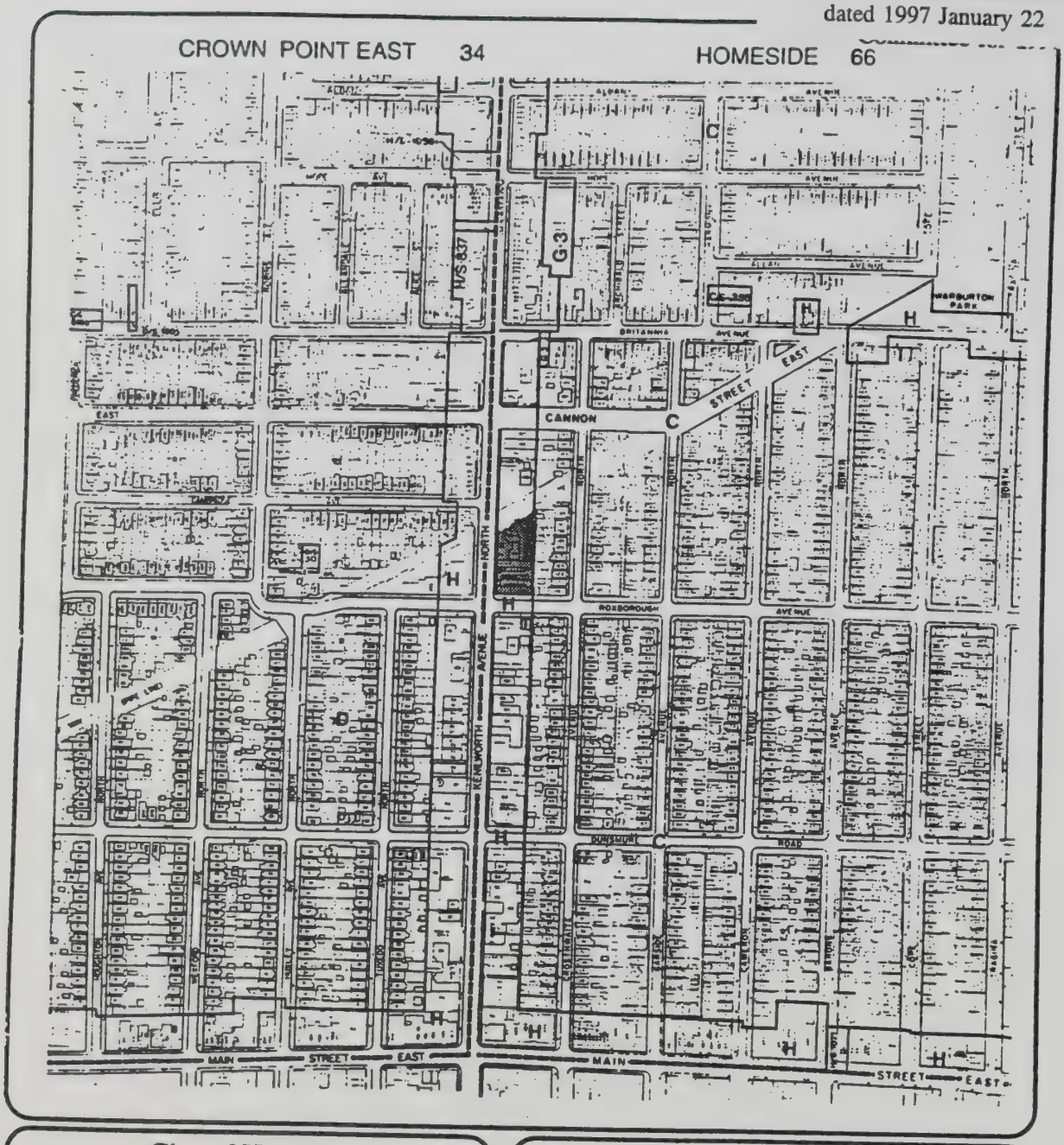
2. In all other respects, By-law No. 96-174 is hereby confirmed, unchanged.

3. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 96-174.

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

Appendix "J" as referred to in Section D. (f) of the Planning and Development Committee Minutes dated 1997 January 22



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-96-23

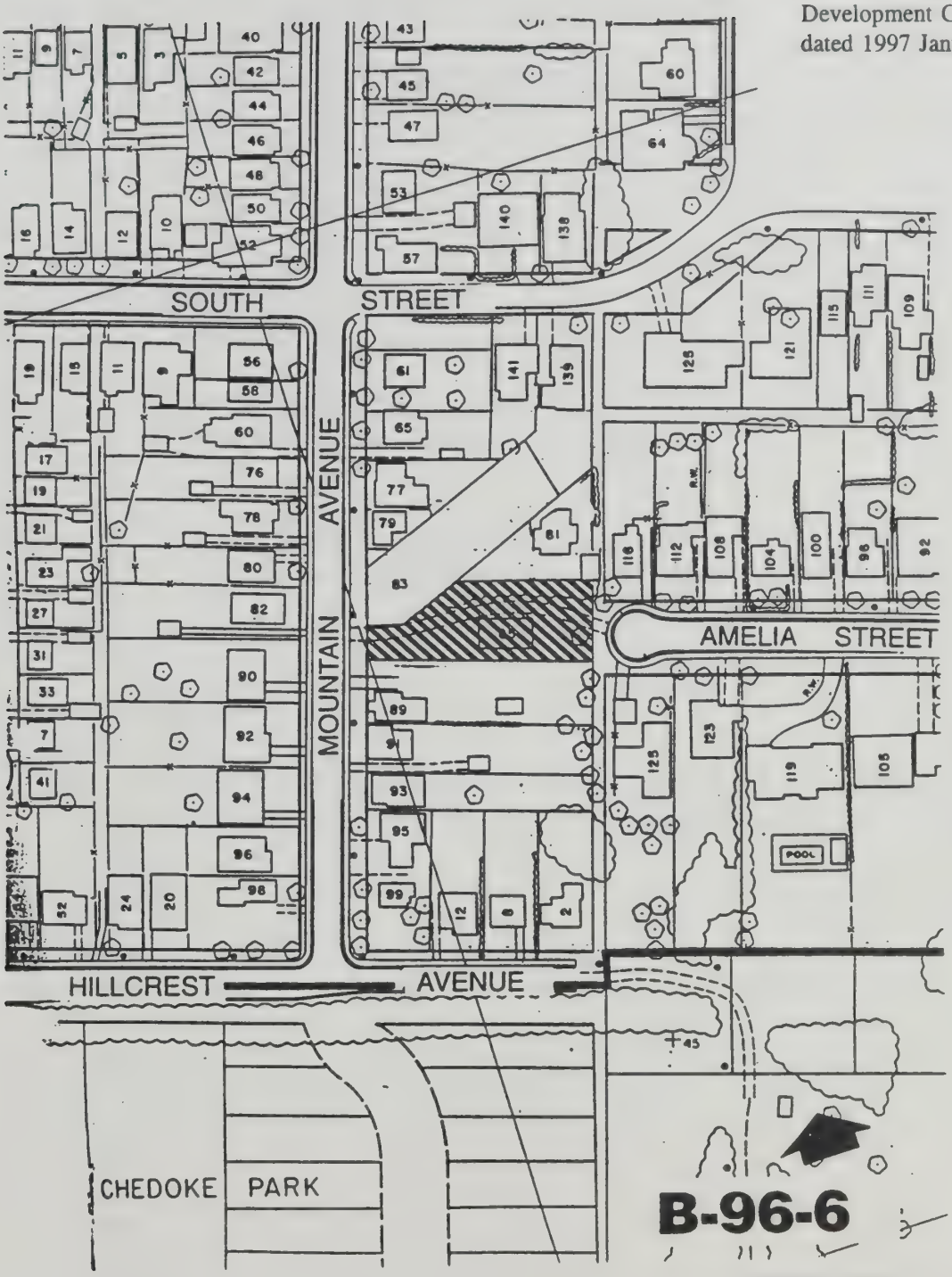
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-96-23
	Date	Drawn By
	OCTOBER 1996	R.L.

Appendix "K" as referred to in Section D. (g) of the Planning and Development Committee Minutes dated 1997 January 22



APPENDIX

Ba

CITY OF HAMILTON

- RECOMMENDATION -

JAN 3 1 1997

DATE: 1997 January 22

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Westdale Village Business Improvement Area (B.I.A.)
Revised Board of Management - 1996-1997

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 96-190, appointing the Westdale Village B.I.A. Board of Management be repealed and the following subsituted:

SCHEDULE 'B'

D. Upsdell	Westdale Jewellers Ltd
S. Snider	The Picture Frame
M. B. Ledden	Judy Marsales Real Estate
R. Lahie	Jack Carruth Shoes Ltd.
G. Ditner	Cottage Florist
D. Simpson	Simpson Watson and Vujnovic
C. Gerrie	Journey to the East
K. Patterson	Oddities II
D. Thorne	Truth
B. Davison	Design House Inc.
J. Mouskos	New Village Restaurant

2. That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 96-190 pursuant to (a) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

A General meeting was held 1997 January 15, to add a member to the Board of Management.

JP:jp
P&D/bmwestda.97

c.c. Ms. P. Noé Johnson, City Solicitor
Law Department
Att: Mr. A. Zuidema, Solicitor

Ms. M. Ledden, Chairman
Westdale Village B.I.A.

APPENDIX 'A'

WESTDALE VILLAGE B.I.A.
BOARD OF DIRECTORS

Mary Beth Ledden — **Chairman**
c/o Judy Marsales Real Estate Ltd
986 King St. W.
Hamilton, On
522-3300

David Simpson — **Vice-Chair**
c/o Simpson, Watson & Vujnovic Lawyers
950 King St. W.
Hamilton On
527-1174

Gene Ditner — **Secretary**
c/o Cottage Florist
1033 King St. W
Hamilton On
524-1080

Shelagh Snider
The Picture Frame
1045 King St. W.
Hamilton On
523-5440

Craig Gerrie
c/o Journey to the East
1047 King St.
Hamilton, On
524-0020

John Mouskos
c/o New Village Restaurant
988 King St. W.
Hamilton On
522-4331

Dan Upsdell
c/o Westdale Jewellers Ltd
1059-2 King St.
Hamilton On
777-1101

Dave Thorne
c/o TRUTH
1044 King St W
Hamilton On
522-6802

Brad Davison
c/o Design House Inc.
1031 King St. W.
Hamilton, On
572-1100

Reg Lahie
c/o Jack Carruth Shoes Ltd.
1051 King St W
Hamilton On
529-6642

B6)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 3 1 1997

DATE: 1997 January 31

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Ninth Annual Public Service Announcement.

RECOMMENDATION:

That the City of Hamilton's Public Works and Traffic Department, in conjunction with The Keep Hamilton Clean Committee, hold The Ninth Annual Public Service Announcement Competition through Mohawk College Media Studies Program and CHCH-TV at a total estimated cost of $2,500.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of The Downtown Action Plan Account Number CF-5698-428803006.

BACKGROUND:

On 1988 November 28, City Council adopted Section 1 of the 23rd Report of The Planning and Development Committee, which approved recommendations one through four and six of the City of Hamilton's Sanitation Study. Pursuant to this a Public Service Announcement (P.S.A.) competition was established in 1989 in co-operation with Mohawk College and CHCH-TV. The P.S.A. has been very successful over the past seven years and has assisted The City of Hamilton in developing community awareness amongst its residents, particularly the downtown business operators. The students of The Media Studies Program at Mohawk College are ready to commence preparing their submissions for the P.S.A. for 1997. Selection of the winning entries is carried out by The Keep Hamilton Clean

Committee, Mohawk College, CHCH-TV and The Public Works and Traffic Department. Awards will be made in approximately July-August 1997.

DL:HM:hm
P&D.9thPSA

c.c. Mr. K. Wallace, Media Studies
Mohawk College of Applied Arts & Technology

Mr. D. Heintz, Public Works and Traffic Department

Mr. B. Janes

(a)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 2 9 1997

DATE: 1997 January 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1232 UPPER GAGE AVENUE - Tag Number 97905
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1232 Upper Gage Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: RT-20/S-1365

PRESENT USE: Single Family Dwelling

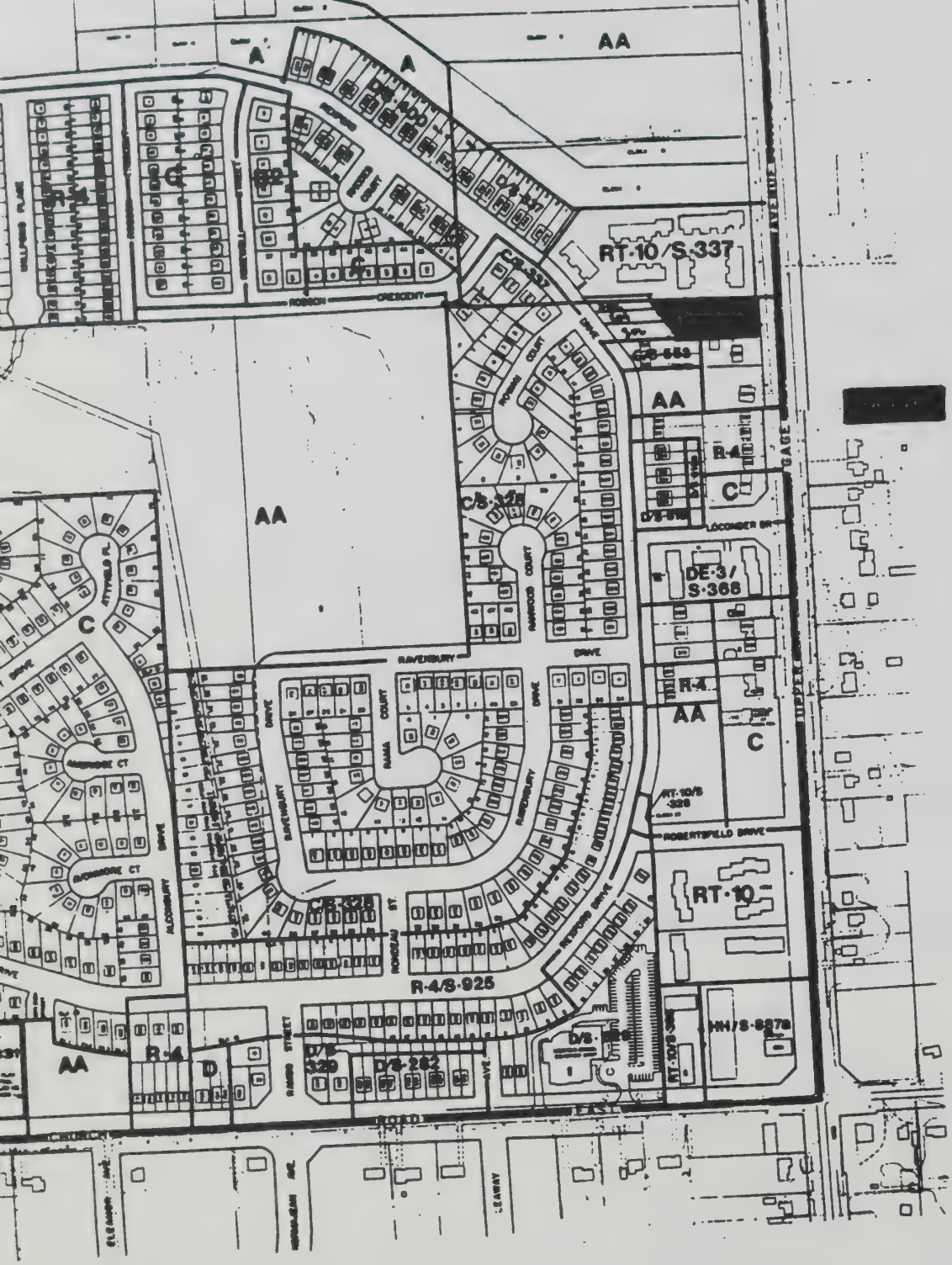
PROPOSED USE: 7-unit townhouse block

BRIEF DESCRIPTION: The owner wishes to demolish the existing two storey frame and vinyl sided single family dwelling. The dwelling is located in the RANDELL neighbourhood (see attached neighbourhood map). The owner wishes to create a 7-unit townhouse block. In 1996, the zoning was changed from C to RT-20/S-1365 under By-Law 96-149. There is a site plan application DA-97-04, which is not final. A land severance was obtained in 1995, H-61-95 and H-62-95 (please see attached). No LACAC interest. Lot size 100.00' x 423.47'.

The owner of the property and applicant as per the demolition permit is:

Home by Malatesta, 145 Reid Avenue South, Hamilton, Ontario, L8K 3V4

FP/zr



SUBJECT PROPERTY
1232 UPPER GAGE

130 96 11 118 112 110 19 43 129 This is not a Legal Document For Zoning Verification Please Contact The City Building Department	CITY OF HAMILTON RANDELL ZONING
Neighbourhood Boundary Zoning Boundary	0 100m Scale 50m NORTH
Prepared for The City of Hamilton by the Planning and Development Department	PLANNING UNIT NO 7512 PAGE NO 112

copy circulated August 24/95

Notice of Decision

The Regional Municipality of Hamilton-Wentworth
Land Division Committee

SEP. 05 1995

APPLICATION NO: H-61-95

SUBMISSION NO: B-126-95

IN THE MATTER OF *The Planning Act, R.S.O. 1990;*

AND IN THE MATTER OF *the Premises known as Municipal No. 1232 Upper Gage Ave., and being composed of Part of lot 7, Con. 7, formerly in the Township of Barton now in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth.*

AND IN THE MATTER OF AN APPLICATION BY *A.J. Clarke and Associates Limited (Barry Clarke), 125 - 155 James Street South, Hamilton, Ontario on behalf of 712169 Ontario Limited, c/o Homes by Malatesta, 6 Haskins Court, Hamilton, Ontario.*

AND HAVING HAD REGARD TO THE PROVISIONS OF SECTION 51(24) OF THE PLANNING ACT, *the decision of the Committee is that the application for consent to convey a parcel of land measuring 37.39m x 35.47m for residential purposes, and to retain a parcel of land having a frontage of 30.48m, and an area of 2,534.55m² containing an existing dwelling for residential purposes be* **APPROVED** *for the following reasons:*

1. *The proposal does not conflict with the intent of the Hamilton-Wentworth and City of Hamilton Official Plans.*

2. *The Committee considers the proposal to be in keeping with development in the area.*

The Approval is granted on the condition that the applicant:

1. *Satisfy ALL relevant requirements of the City of Hamilton.*

2. *Submit a deposited Ontario Land Surveyor's Reference Plan of the conveyed parcel to the Land Division Committee office, unless exempted by the Land Registrar.*

3. *Submit proof of final approval of any necessary change of zoning/zoning amendment.*

4. *Lift the one foot reserve shown as a portion of Block "Bx" on Plan 62M-177, and pay all outstanding costs to the City of Hamilton and the Region of Hamilton-Wentworth, to the satisfaction of the Regional Roads Department.*

5. *Enter into a Modified Subdivision Agreement with the City of Hamilton, to the satisfaction of the Regional Roads Department.*

THE FOREGOING CONDITIONS MUST BE MET WITHIN ONE(1) YEAR OF THE DATE OF THE NOTICE OF THIS DECISION (JULY 6, 1995) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

Dated this 27th day of June, 1995

Secretary-Treasurer

PLEASE NOTE: *THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD*

Notice of Decision

The Regional Municipality of Hamilton-Wentworth
Land Division Committee

SEP. 28 1995.

APPLICATION NO: H-62-95

SUBMISSION NO: B-127-95

IN THE MATTER OF The Planning Act, R.S.O. 1990;

AND IN THE MATTER OF the Premises known as Municipal No. 1232 Upper Gage Ave., and being composed of Part of lot 7, Con. 7, formerly in the Township of Barton now in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth.

AND IN THE MATTER OF AN APPLICATION BY A.J. Clarke and Associates Limited (Barry Clarke), 125 - 155 James Street South, Hamilton, Ontario on behalf of 712169 Ontario Limited, c/o Homes by Malatesta, 6 Haskins Court, Hamilton, Ontario.

AND HAVING HAD REGARD TO THE PROVISIONS OF SECTION 51(24) OF THE PLANNING ACT, the decision of the Committee is that the application for consent to convey a parcel of land measuring 12.46m x 35.47m for residential purposes, and to retain two parcels of land; one measuring 12.47m x 35.47m, and the other measuring 12.46m x 35.47m, both for residential purposes be APPROVED for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and City of Hamilton Official Plans.

2. The Committee considers the proposal to be in keeping with development in the area.

The Approval is granted on the condition that the applicant:

1. Satisfy ALL relevant requirements of the City of Hamilton.

2. Submit a deposited Ontario Land Surveyor's Reference Plan of the conveyed parcel to the Land Division Committee office, unless exempted by the Land Registrar.

3. Submit proof of final approval of any necessary change of zoning/zoning amendment.

4. Lift the one foot reserve shown as a portion of Block "Bx" on Plan 62M-177, and pay all outstanding costs to the City of Hamilton and the Region of Hamilton-Wentworth, to the satisfaction of the Regional Roads Department.

5. Enter into a Modified Subdivision Agreement with the City of Hamilton, to the satisfaction of the Regional Roads Department.

6. Access driveways are to be located on the north side of each lot and designed to cross the street line at right angles, to the satisfaction of the Public Works and Traffic Department (Traffic Division).

THE FOREGOING CONDITIONS MUST BE MET WITHIN ONE(1) YEAR OF THE DATE OF THE NOTICE OF THIS DECISION (JULY 24, 1995) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

Dated this 27th day of June, 1995

Secretary-Treasurer

PLEASE NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS August 23, 1995.

(b)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 2 : 1997

DATE: 1997 January 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng
Building Commissioner

SUBJECT: Downtown Convert/Renovate-to-Rent Loan Program
120 John Street North (97.2.4.2.1.A)

RECOMMENDATION:

That a loan under the Downtown Convert/Renovate-to-Rent Loan Program in the amount of forty-eight thousand dollars ($48,000) to Elia and Antonio DaSilva, carrying on business as 452031 Ontario Inc., for conversion of 120 John Street North into 16 residential units be approved, subject to the following:

(a) Fulfilment of the borrowing requirements of the Downtown Convert/Renovate-to-Rent Loan Program; and,

(b) Approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

As part of the downtown revitalization effort, the City and Region have set aside $180,000 each for a total of $360,000 for the Downtown Convert/Renovate-to-Rent Loan Program. The owners, Elia and Antonio DaSilva, have applied for assistance under this program. They wish to convert a commercial building at 120 John Street North into 16 residential units. These units comprise six 2 bedroom units, four 1 bedroom units, and six bachelor units and it is estimated that the building will house approximately 22 residents.

.../2

In accordance with the terms of the program, the Building Department has inspected the property under the Property Standards By-law 94-185, and the necessary repairs have been included in the cost of conversion. A building permit has now been issued and work is scheduled to start in February. The estimated construction cost is $248,000.

Staff have reviewed the application and support the loan. The loan will be amortized over a ten (10) year period at 0 per cent interest. The monthly repayments will be $400 and this loan will be secured by a promissory note and a collateral mortgage registered on the owner's other property at 245 Bay Street North which is deemed to have sufficient equity.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Powers, Law Department
J. Bruzzese, Regional Finance

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 January 30

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner re: Ainslie Wood and Westdale Areas - Status report on Building Activity at Various properties, dated 1997 January 29

(b) Chairperson CAPIC re: Support for Two Way Streets in Downtown Hamilton from CAPIC, dated 1997 January 30

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

CA4 ON HBL A05
C 51 P4
1997

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 February 19
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

FEB 17 1997

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 96-15, by 744457 Ontario Limited (c/o Veteran's Taxi) owner, for a modification in zoning for lands located at 488 King William Street.

2. Zoning Application 96-16, by First Place Hamilton, owner, for a modification to the established "CR-3" district for lands located at 350-360 King Street East.

   Submissions: a) Frank S. Doran, 360 King Street East Apt. 1717, Hamilton
   b) John Larisey, 30 West Avenue North Apt. 603, Hamilton
   c) Doris Wasko, 30 West Avenue North Apt. 606, Hamilton

3. City Initiative 96-H, Rendering Plants

4. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   Proposed 1997 - Planning Tariff Fees

5. **CONSENT AGENDA**

6. **OTHER BUSINESS**

   Request for further deferral of ZAC-96-05 and SAC-96-01, 177 Rymal Rd, E. and 1684 Upper Wellington Street

7. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	ZAC-93-42 : Rear of 1094 Upper Sherman Avenue, By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Ave.
3.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
4.	Zoning Requirements for Gambling Locations	1996 May 22	Referred to staff for report	Planning and Building Department staff to prepare report
5.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
6.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee To report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997) *Report back in 3 mos (by May 11 1997) re: actual recovery costs for the implementation and enforcement of the bylaw as well as a review of permit fees for businesses and licencing for operators
7.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
8.	Illegal Mobile Signs	1996 October 23	Planning, Building, Law, and Transportation/Environment Depts.to draft report on a) plan for removal of illegal mobile signs and, b) allow for strict penalties in Streets By-Law	Report Forthcoming
	Rendering plants	1996 October 23	Public meeting to be held and performance standards to be established	Report Forthcoming

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
10.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
11.	ZA-96-11, 73 Garfield Avenue South	1996 November 20	Ward Alderman, residents and applicant to meet	Tabled to 1997 January
12.	ZAC-96-05, SAC-96-01, 177 Rymal Rd. E. and 1684 Upper Wellington St.	1996 December 4	Applicant and Neighbouring property owner to resolve property concern	1997 January 22 further tabled to 1997 February 19
13.	Resurrection of the Kirkendall/Chedoke Modified Neighbourhood Plan review Committee	1996 December 4	Alderman Request to table	Tabled
14.	Planning Tariff Fees	1997 January 22	Further Information requested	Tabled

1997 February 13

1.

CITY OF HAMILTON

- RECOMMENDATION -

FEB 1 2 1997

DATE: 1997 February 11
ZAC-96-15
Stinson Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning and modification to the established zoning - 15 Wentworth Street North and 488 King William Street.

RECOMMENDATION:

(a) That approval be given to amended Zoning Application ZAC-96-15, 744457 Ontario Limited (Veteran Taxi), owners, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, for Block "1" and a modification to the established "H" (Community Shopping and Commercial, etc.) District for Block "2", for property located south-west corner of King William Street and Wentworth Street North, known municipally as 488 King William Street and 15 Wentworth Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District;

(ii) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" and "2", be modified to include the following variances as special requirements:

1) That notwithstanding Section 2.(2)(J.)(xiii) of Zoning By-law No. 6593, for the purposes of the by-law the "Lot-Line Front" shall be Wentworth Street North;

2) That notwithstanding Section 14.(3)(ii)(a) of Zoning By-law No. 6593, a minimum side yard of 3.0 m shall be provided and maintained along the northerly lot line;

3) That notwithstanding Section 14.(3)(iii)(c) of Zoning By-law No. 6593, a rear yard of a depth of at least 1.5 m shall be provided and maintained; and,

4) That notwithstanding Section 18(3)(vi)(b)(ii) of Zoning By-law No. 6593, a canopy shall not project into the required rear yard;

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map E-13 be notated S - ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;

(vi) That the approved Stinson Neighbourhood Plan be amended to redesignate the Block "1" from "Single & Double Residential" to "Commercial" upon finalization of the by-law; and,

(vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the implementing By-law not be presented to City Council until such time as the properties known as 488 King William Street and 15 Wentworth Street North must be merged in title and the proof be submitted to the City Solicitor that the properties are held under single registered title;

(c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Block "2" to Schedule "A"; and,

(d) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Block "2" under Site Plan Control.

EXPLANATORY NOTE:

The purpose of the proposed change in zoning is to permit the redevelopment of the lands known as 488 King William Street in conjunction with the adjacent lands at 15 Wentworth Street South to be used for retail sales purposes. Specifically, the following changes in zoning are required

Block "1"	-	Change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified; and,
Block "2"	-	Modification to the established "H" (Community Shopping and Commercial, etc.) District.

The effect of the proposed change in zoning is to permit the development of Blocks "1" and "2" for retail sales purposes.

In addition, the By-law provides for the following special requirements:

1) to require Wentworth Street North to be used as the front lot line whereas the By-law would permit the use of either Wentworth Street North or King William Street as the front lot line;

2) to require a minimum rear yard having a depth of not less than 1.5 metres be provided and maintained whereas the provision of the Zoning By-law 6593 normally requires a rear yard of a depth of at least 4.5 m;

3) to require a minimum side yard of 3.0 m along King William Street be provided and maintained whereas the provision of the Zoning By-law 6593 normally requires a side yard of a depth of at least 0.0 m; and,

4) to prohibit the projection of a canopy into the required rear yard whereas under the provision of the Zoning By-law, a canopy may project 1.5 m into a required rear yard.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  Based on a preliminary site plan submitted by the applicant's agent, it is proposed to redevelop the site to construct a two storey commercial building. This will require that the applicant demolish the existing building at 488 King William Street. A second floor addition to the existing building at 15 Wentworth Street North is proposed. A new facade will be added to the existing building.

APPLICANT:

744457 Ontario Limited (Veteran Taxi), owner.

AGENT:

Wentworth Construction and Planning.

LOT SIZE AND AREA:

The subject lands are irregular in shape and are composed of two separate parcels of land. Combined, the subject lands have

- 26.95 m (88.42 ft.) of lot width along Wentworth Street North;
- 28.61 m (93.85 ft.) of lot depth along King William Street; and
- 822.38 m^2 (8,936 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	One single detached dwelling and one commercial building	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District and "H" (Community Shopping and Commercial, etc.) District
Surrounding Land Use		
to the north	Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

to the south	Commercial	"H" (Community Shopping and Commercial, etc.) District
to the west	Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the east	Institutional	"DE-3" (Multiple Dwellings) District, modified

OFFICIAL PLAN:

Block "2"(15 Wentworth Street North) is designated **Commercial** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The northern portion of Block "1" (488 King William Street) is located along the boundary of the "Commercial" and "Residential" designations. However, based on Policy D.8.2 of Subsection DS.8 - Interpretation, the proposal conforms with the Official Plan subject to adequate buffering to protect the abutting residential uses.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single & Double Residential" (488 King William Street) and "Commercial (15 Wentworth Street North) in the approved Stinson Neighbourhood Plan. Approval of the application will require the redesignation of 488 King William Street from "Single & Double Residential" to "Commercial".

COMMENTS RECEIVED:

- The Building Department has advised:

  "1. Demolition approval for the existing building at 488 King William Street by the Planning and Development Committee under the Demolition Control By-law is required, as well as the issuance of a demolition permit.

  2. The properties known as 488 King William Street and 15 Wentworth Street North must be merged and proof submitted that the properties are held under single registered title prior to the issuance of a building permit for the proposed addition.

  3. The proposed uses, as noted on the plans submitted, have been interpreted as follows:

     - first floor retail uses were considered as retail stores only,
     - second floor office area was considered as general offices only.

The proposal has been reviewed based on the above noted interpretation of the uses. Please note that this proposal has not been reviewed for any of the following uses:

- restaurant
- public garage
- medical offices.

4. It appears that the northerly lot line (King William Street) has been established as the front lot line, which in turn would require a minimum front yard of 6.0m (19.69'), a minimum rear yard of 4.5m (14.76') and a minimum westerly side yard of 1.2m (3.94'). Both the front and rear yard are insufficient. Alternatively, if the easterly lot line (Wentworth Street North) is selected as the front lot line, then the minimum front and side yards would be 0.0m and the minimum required rear yard would be 4.5m (14.76'). This would result in only an insufficient rear yard.

5. The plans submitted indicate that no parking is required to be provided, however, please be advised that five (5) parking spaces are required to be provided for the proposed uses of general office and retail stores which have a total gross floor area of 600.1 square metres.

6. The required loading space must provide a minimum dimension of 9.0m x 3.7m x 4.3m high. The width as shown is insufficient and the proposed optional canopy will interfere with the minimum required height.

7. All parking spaces must provide a minimum dimension of 2.7m x 6.0m. The parking space adjacent to the loading spaces and the parking space marked as #5 which is adjacent to the building may not provide the minimum required dimensions without modification to the parking layout.

8. A minimum driveway width of 5.5m (18.04') must be provided. The driveway width is reduced to less than 5.5m (18.04').

9. Bumpers or wheel barriers must be provided to prevent the physical encroachment beyond the parking area.

10. The parking area must be graded and drained.

11. The proposed canopy does not provide the minimum required rear yard of 3.0m (9.84').

12. The proposed wall sign does not provide the minimum required rear yard of 4.5m(14.76')."

- The Traffic Division, Department of Public Works and Traffic has advised that:

"The application for a change in zoning to permit a new commercial development including the lands to the east is satisfactory provided the development is subject to site plan control."

In addition, the Traffic Division provided comments regarding the preliminary site plan submitted by the applicant. These comments are attached as APPENDIX "B".

- The Regional Environment Department, has advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject site.

The following comments were received from the Region's Transportation Department, Roads Division.

(1) The road allowance width of King William Street varies due to previous road closures, quit claims by the City of Hamilton to adjacent owners, etc. Since this property is being redeveloped, we recommend that as a condition of development approval that a strip of land on King William Street, as shown on the attached, be dedicated to the City of Hamilton for road widening purposes. The site plan submitted by the applicant owner should be amended accordingly and the building setbacks be taken from the widened limits of King William Street. It is our opinion that the proposed building should be setback a minimum of 3.0 m from the widened limits of King William Street.

(2) It appears from the site plan submitted that the applicant intends to remove the existing asphalt within the Wentworth Street and King William Street road allowances. Although we have no objection to this, the grading of the road allowance must be approved by this Office and any works in the road allowances must also be to the satisfaction of the various Utility Companies.

(3) Any fences along the lot lines should be setback a minimum of 3.0 m from the limits of the alley, the widened limits of King William Street, the Wentworth Street road allowance limits, etc.

(4) According to our records, the alley to the rear of the subject lands is public assumed.

(5) Any other works which may occur within the road allowances, the alley, etc. must conform to the respective Streets By-law.

(6) It is our opinion that subject lands and the lands to the east be developed through site plan control to ensure our requirements with respect to road widenings, setbacks, etc. have been addressed."

- The Hamilton Region Conservation Authority had no objection to the approval of the application.

- The Regional Environment Department, Planning Division advised that the proposal conforms with the Hamilton-Wentworth Official Plan.

- The Treasury Department has advised that Realty Tax arrears are currently outstanding as of November 21, 1996, on the subject lands.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan; and,

   ii) it would be compatible with existing and planned development in the area.

3. The proposal conflicts with the approved Stinson Neighbourhood Plan. A Neighbourhood Plan amendment is necessary to redesignate 488 King William Street (Block "1") from "Single & Double Residential" to "Commercial".

4. Based on a preliminary site plan and comments received from the Building Department and the Regional Environment Department, the following special provisions should be applied:

   - the "Lot-Line Front" should be identified as Wentworth Street North; under the existing provisions of the Zoning By-law, the frontage along any street can be deemed the front lot line on a corner lot. This would require that the implementing by-law contain two sets of provisions depending on which road frontage the applicant deems as the front lot line. By deeming Wentworth Street North the front lot line, the appropriate variances can be identified and the implementing by-law can be structured to orientate the development towards Wentworth Street North as opposed to King William Street which is primarily a residential street;

   - by establishing Wentworth Street North as the front lot line, then a minimum rear yard of at least 1.5 m, whereas the by-law would normally require 4.5 m, should

be permitted. It is noted that the existing dwelling is located approximately 0.56m (1.85') from the side lot line. As a result of the reduction to the required rear yard, the subject lands should be exempted from the provisions of the By-law which would permit a canopy to project 1.5 m into a required rear yard. Otherwise, the edge of the canopy could be located along the rear lot line;

- the proposed building should be set back a minimum of 3.0 m from the widened limits of King William Street in accordance with the comments received from the Regional Environment Department to ensure adequate visibility for vehicles entering and exiting the subject lands.

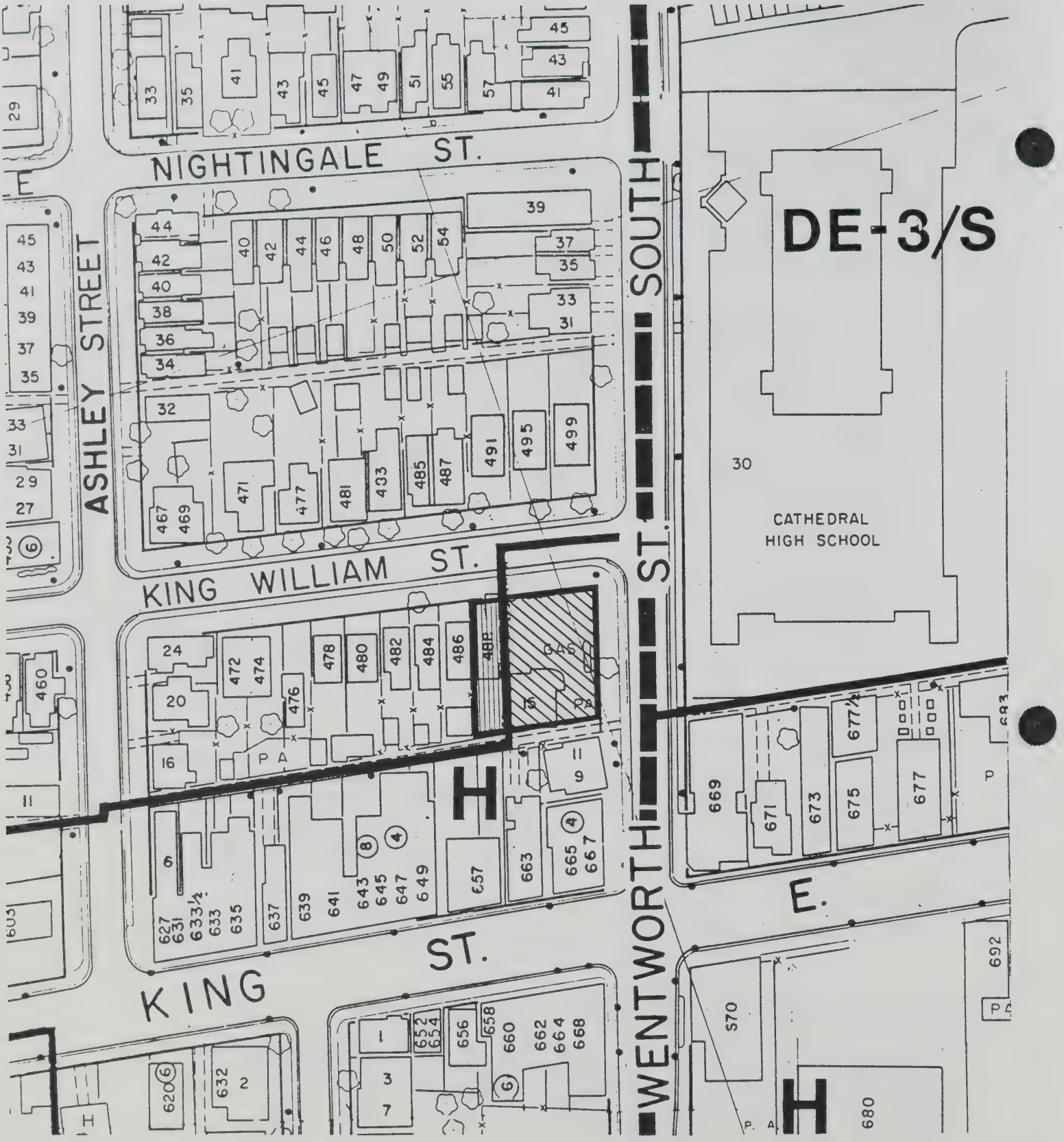
5. The subject lands are not subject to Site Plan Control. However, it would be appropriate to place the subject lands under Site Plan Control to deal with matters such as access, parking, landscaping, fencing, grading, etc. in accordance with the requirements of the Official Plan.

6. The Building Department has indicated that the loading space and two of the parking spaces, as shown on the preliminary site plan, do not comply with the requirements of the Zoning By-law. At the time of site plan review, the applicant will be required to adjust the location of the loading space and parking spaces to ensure conformity with the requirements of the zoning by-law.

CONCLUSION:

Based on the foregoing, the amended application can be supported.

SR/sr
ZA-96-15.RPT



Legend

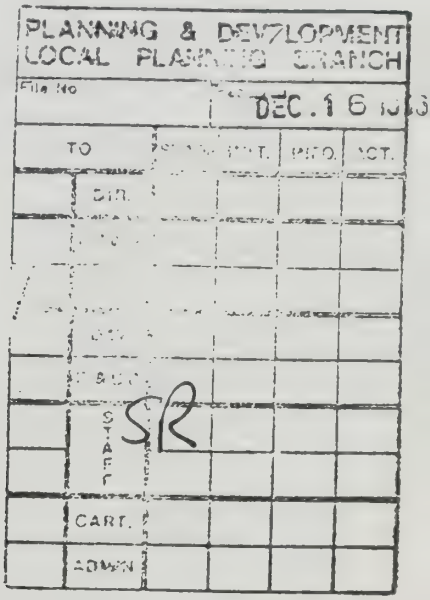
BLOCK 1 — Proposed change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, Modified.

BLOCK 2 — Proposed Modification to the Established "H" (Community shopping and Commercial etc.) District.

ZAC-96-15

APPENDIX "A"

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC
City of HAMILTON
TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419



1996 December 13

V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Stephen Robichaud

Dear Sir:

Re: ZAC 96-15
488 King William Street

In response to your letter of 1996 November 29, please be advised that we have reviewed the above application and have the following comments.

The application for a change in zoning to permit a new commercial development including the lands to the east is satisfactory provided the development is subject to Site Plan Control.

With reference to the preliminary plan, we have the following comments which are the same as those provided to Wentworth Construction in our letter of 1996 November 6.

We recommend that the parking spaces shown as number 8 & 9 on the plan be removed to provide a minimum 20 foot aisle width between the parking area and the sidewalk in front of the building and the access to Wentworth Street be relocated to the north so as to not interfere with the loading space on the east side of the building.

In addition, we recommend that the loading area be modified to include sufficient space for a garbage enclosure to be provided on site.

We also recommend that the access to King William Street be modified to provide a minimum 25 feet at the property line, as shown on the attached plan.

HAMILTON 150TH BIRTHDAY 1996

APPENDIX "B"

As indicated in previous discussions, a considerable amount of the road allowance of both King William Street and Wentworth Street is paved. As a condition of approval of the application, we will require that all paved areas of the road allowance be removed and restored to landscaping with the exception of the portion used for access driveways. In addition, all closed or abandoned sections of existing driveways are to be removed and the sidewalk restored.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Roland Karl, P. Eng.
Manager of Traffic Planning

BF/kg
Attach.

cc: Harold Groen, Development Co-ordinator, Roads Department

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC
City of HAMILTON
TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

NOV 0 8 1996

1996 November 6

Wentworth Construction Planning
361 Jackson Street West
Hamilton, Ontario
L8P 1N2

Attention: Jerry Wannop

Dear Sir:

Re: Preliminary Plan P-96-21
488 King William Street

In response to your memorandum of 1996 October 19, please be advised that we have reviewed the revised preliminary plan and have the following comments.

We recommend that the parking spaces shown as number 8 & 9 on the plan be removed to provide a minimum 20 foot aisle width between the parking area and the sidewalk in front of the building and the access to Wentworth Street be relocated to the north so as not to interfere with the loading space located on the east side of the building.

In addition, we recommend that the loading area be modified to include sufficient space for a garbage enclosure to be provided on site.

We also recommend that the access to King William Street be modified to provide a minimum width of 25 feet at the property line, as shown on the attached plan.

As indicated in previous discussions, a considerable amount of the road allowance of both King William Street and Wentworth Street is paved. As a condition of approval of any subsequent site plan application, we will require that all paved areas of the road allowance be removed and restored to landscaping with the exception of the portion used for access driveways. In addition, all closed driveways are to be removed and the sidewalk restored.

HAMILTON 150TH BIRTHDAY 1996

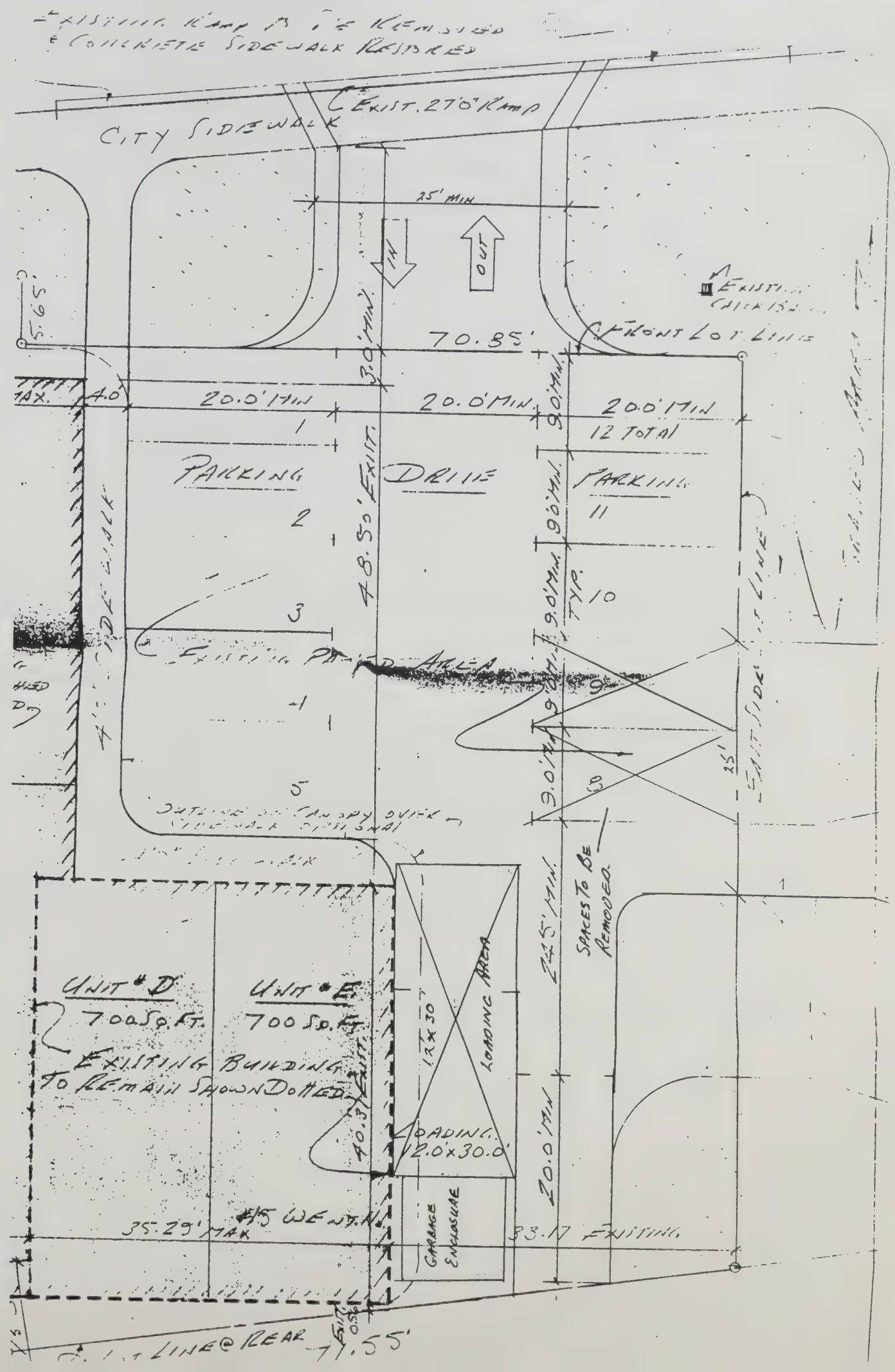
Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Roland Karl, P. Eng.
Manager of Traffic Planning

BF/kg
Attach.

cc: Harold Groen, Development Co-ordinator, Roads Department
Christine Lee-Morrison, Planning Department


EXISTING RAMP TO BE REMOVED & CONCRETE SIDEWALK RESTORED
EXIST. 270° RAMP
CITY SIDEWALK
25' MIN
IN
OUT
5.65'
70.85'
FRONT LOT LINE
3.0' MIN.
4.0
20.0' MIN
20.0' MIN.
20.0' MIN
12 TOTAL
PARKING
DRIVE
PARKING
11
48.50' EXIST.
2
3
9.0' MIN.
TYP.
10
9
EXISTING PAVED AREA
1
5
25'
30
OUTLINE OF CANOPY OVER SIDEWALK BELOW
SPACES TO BE REMOVED
UNIT "D"
700 SQ. FT.
UNIT "E"
700 SQ. FT.
EXISTING BUILDING TO REMAIN SHOWN DOTTED
12' x 30'
LOADING AREA
LOADING 12.0 x 30.0'
40.3' EXIST.
20.0' MIN
GARAGE ENCLOSURE
35.29' MAX
83.17 EXISTING
PROPERTY LINE @ REAR
71.55'

2.

CITY OF HAMILTON

- RECOMMENDATION -

FEB 1 2 1997

DATE: 1997 February 11
ZAC-96-16
Landsdale Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in zoning - 350-360 King Street East.

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-96-16, First Place Hamilton, owners, requesting a modification in zoning to the established "CR-3" (Commercial-Residential) District requirements for property located at 350-360 King Street West, to permit the conversion of the second floor of the existing building from commercial uses to 75 "retirement lifestyle" residential units (63 single bed units, 12 double bed units), as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the "CR-3" (Commercial - Residential) District regulations, as contained in Section 15B. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements;

1) notwithstanding Section 15B.(3)(a) of Zoning By-law No. 6593, the following uses shall be permitted within the second floor of the existing building:

a. a senior citizens facility containing a maximum of seventy-five (75) "housekeeping dwelling units"; and,

b. a dining room only in conjunction with a senior citizens facility;

2) notwithstanding Section 15B.(17)(b) of Zoning By-law No. 6593, the residential portion of a joint residential use and commercial use shall have a gross floor area of not more than 31,100 m^2 (334,757 sq.ft.) and a commercial gross floor area of not more than 6,055 m^2 (65,177 sq.ft.);

3) notwithstanding Subsections 15B.(18)(a)(i) and 15B.(18)(a)(ii) of Zoning By-law No. 6593, shall not apply for the purposes of calculating gross floor area;

4) notwithstanding Table 1 of Section 18A. of Zoning By-law No. 6593, a minimum of 1 parking space per 3 beds shall be required for a senior citizens facility containing not more that seventy-five (75) "housekeeping dwelling units".

5) for the purposes of the By-law, a senior citizens facility means a facility within which all residents are at least 60 years of age or older.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map E-13 be notated S - ;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the "CR-3" (Commercial-Residential) District regulations for property known as 350-360 King Street East, to permit the conversion of the second floor of the existing building from commercial uses to 75 "retirement lifestyle" residential units (63 single bed units, 12 double bed units). In addition, the following variances are required:

- to permit a senior citizens facility containing a maximum of seventy-five (75) "housekeeping dwelling units" only within the second floor of the existing building is permitted;

- to permit a dining room only in conjunction with a senior citizens facility;

- for the purposes of the By-law, a senior citizens facility means a facility within which all residents are at least 60 years of age or older;

- to permit the conversion of the second floor from commercial uses to residential uses which will result in the residential portion of the building having a maximum gross floor area of 31,100 m^2 (334,757 sq.ft.) and the a commercial gross floor area of 6,055 m^2 (65,177 sq.ft.) whereas the Zoning By-law permits a maximum residential gross floor area of 14,540 m^2 (156,520 sq.ft.) and a maximum commercial gross floor area of 26,276 m^2 (282,841 sq.ft.). For the purposes of the by-law gross floor area includes enclosed malls and lobbies; and,

- establishes a minimum ratio of 1 parking space per 3 beds for a senior citizens facility containing not more that seventy-five (75) "housekeeping dwelling units".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Existing Building

  The existing building is a mixed commercial-residential building. The first two storeys are used for commercial purposes. The total gross floor area of the building is 37,153 m^2 (399,934 sq.ft.) of which the residential portion is 26,663 m^2 (287,007 sq.ft) and the commercial portion is 10,490 m^2 (112,927 sq.ft.). There are 465 apartment units within the building.

- Proposal

  It is the applicant's intention to convert the second floor of the existing building from commercial uses to residential units. The second floor is to be redeveloped to provide 75 units (63 single bed units, 12 double bed units) with a total capacity of 83 beds. The second floor is to be used as "retirement lifestyle" accommodations in that there will be common recreational and dining areas for the use of the residents.

APPLICANT:

First Place Hamilton, owner.

AGENT:

Lorne Haverty, Lorne Haverty Ltd.

LOT SIZE AND AREA:

- 70.442 m of lot width;
- 74.676 m of lot depth; and
- 5,102 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	15 storey mixed use commercial -residential building	"CR-3" (Commercial-Residential) District
Surrounding Land Use		
to the north	Parkland and Commercial	"A" (Conservation, Open Space, Park and Recreational) District and "H" (Community Shopping and Commercial, etc.)
to the south	Commercial and Institutional (church)	"H" (Community Shopping and Commercial, etc.) District and "D" (Urban Protected Residential - One and Two Family) District
to the east	Commercial	"H" (Community Shopping and Commercial, etc.) District
to the west	Commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposal conforms with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial and Apartments" in the approved Landsdale Neighbourhood Plan. The proposal conforms with the Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority had no objection to the proposed modification in zoning.

- The Building Department has advised:

"1) The proposal is considered to be a Residential Care Facility.

2) It appears that 83 beds are proposed.

3) The CR-3 District permits a Residential Care Facility for a maximum of 20 residents and must be at least 180m radial separation form any existing Residential Care Facility/Short Term Care Facility.

4) It appears that there are several Residential Care Facilities/Short Term Care Facilities within 180m.

5) A Residential Care Facility for 83 residents requires a minimum of 28 parking spaces.

6) The original residential use of 464 units in the building requires to provide a minimum of 119 parking spaces as per the Committee of Adjustment A-74:173.

7) The actual gross floor area and amenity area for the building has not been provided.

8) The gfa and amenity areas have had several variances from the C of A.

9) The last C of A. A-93:140 permitted the conversion of the lounge areas on each floor to be converted to bachelor dwelling units with a gross floor area of 265,000 sq.ft. and an amenity area of 45,737 sq.ft.

10) The proposed increase in residential gross floor area will exceed the present permitted gfa.

11) The 465 units multiple dwelling requires a minimum of 465 parking spaces.

12) The Commercial floor area of 37,614 sq.ft. requires a minimum of 50 parking spaces.

13) The information provided does not indicate if there are any loading spaces.

14) The letter from Lorne Haverty dated September 27, 1996 states that the existing number of parking spaces are 232.

15) In Phase I & II the number of parking total 222. What happened to ten of the parking spaces?"

- The Traffic Division, Department of Public Works and Traffic has advised that:

  "The application for a change in zoning to permit the conversion of the commercial floor area in the existing building to the proposed residential use is satisfactory."

  In response to the preliminary plan circulated prior to the submission of the Zoning Application, the Traffic Division advised:

  "The information provided indicates that there will be a significant reduction in commercial floor space upon completion of the conversion. Our analysis indicates that this amount of commercial floor space would normally require 103 parking spaces. It is our understanding that the proposed use is defined by the Building Department as a residential care facility and will require approximately 30 parking spaces. Since the reduction in the parking required for commercial uses will provide ample parking to serve the residential care facility, we can support the conversion to residential."

- The Regional Environment Department, has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service the subject site.

  As the proposed re-zoning will only result in interior renovations to the existing building, the Region's Transportation Department, Roads Division have no comments."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

i) it implements the intent of both the Official Plan and the Neighbourhood Plan;

ii) it would be compatible with existing and planned residential uses; and,

iii) the proposed "retirement lifestyle" accommodation is located in close proximity to public transit routes, community facilities and shopping facilities.

3. The conversion of the second floor from commercial uses to residential uses will result in a decrease in demand for on-site parking. Since the reduction in the parking required for commercial uses will provide ample parking to serve the residential use, the conversion to residential can be supported.

4. In order to allow for the conversion of the second floor from commercial uses to residential uses, variances to the provisions of the "CR-3" District regulations are required. The variances relate to permitting a maximum residential floor area of 31,000 m^2 whereas the By-law permits 14,540 m^2. As the increase in residential floor area is within the existing building, this variance can be supported.

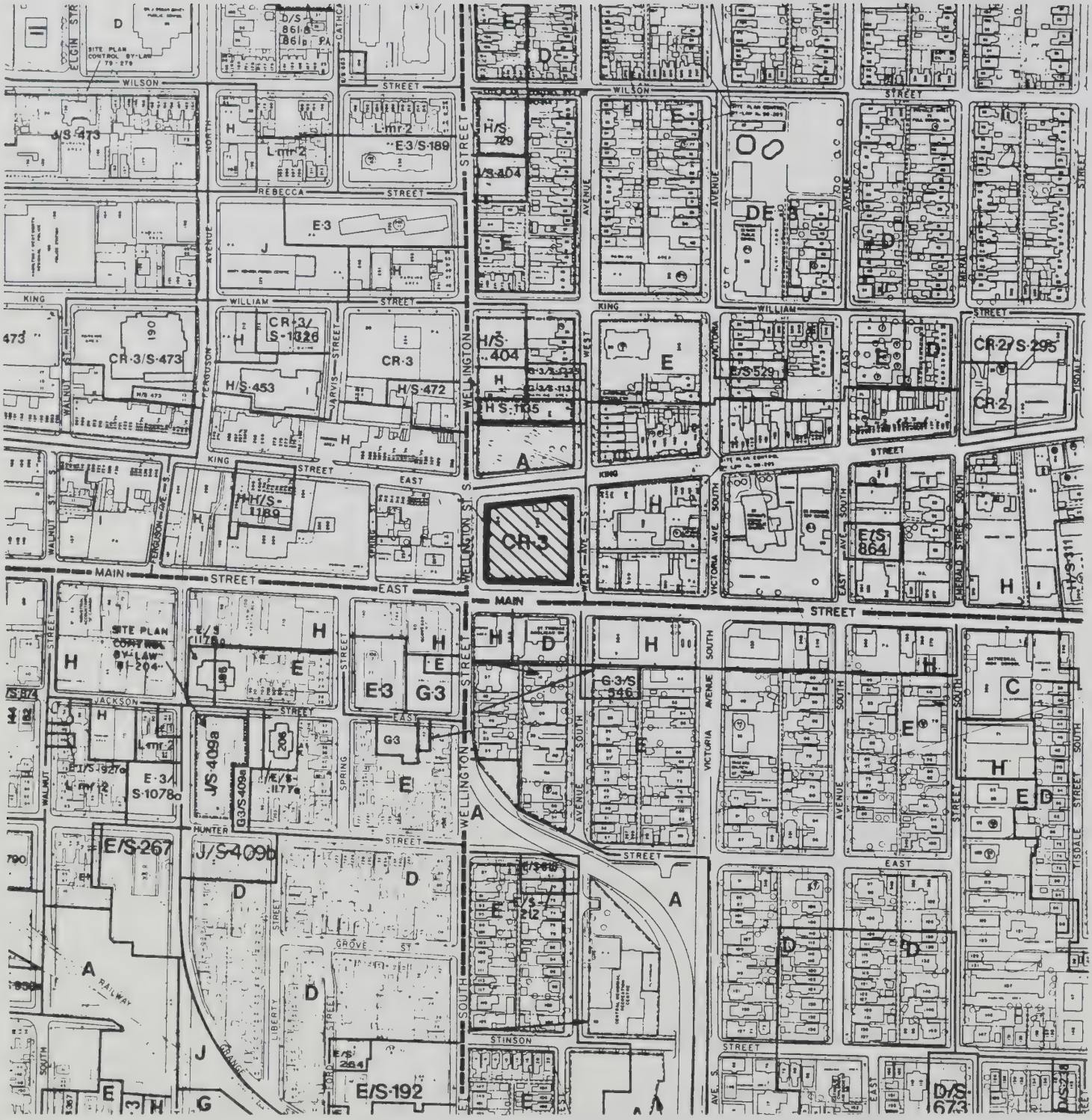
In particular, the proposed "retirement lifestyle" accommodation is not considered to be a residential care facility in that no on-site care will be provided for the residents. Rather the proposed use is similar to a lodging house, except that based on the preliminary plans there will be private bathroom facilities in each room whereas in a lodging house, by definition, there are shared bathroom facilities. On this basis, to permit the use a specific definition of "senior citizens facility" should be introduced into the amending by-law.

The gross floor area (GFA) calculations have been provided by the applicant's agent based on standard architectural methods for calculating GFA. As such, for the purposes of the implementing by-law, it is necessary to include enclosed malls and lobbies which are otherwise excluded in accordance with Subsection 15B.(18)(a) of Zoning By-law No. 6593.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
ZA-96-07.RPT



Legend

Site of the Application

ZAC-96-16

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1997 February 11

2 a)

ZAC-96-16

Sent Feb 11/97 (BB)

360 King Street East,
apt. 1717,
Hamilton, Ontario,
L8N 3Y2
February 3, 1997

The Corporation of the City of Hamilton,
71 Main Street West,
Hamilton, Ontario,
L8N 3T4

Dear Sirs:-

Here are my reasons for voting against the By-Law ammendment:-

(a) My Dentist is on the second floor, and
(b) My Eye Doctor is on the second floor, and
(c) The Dept of Veterans affairs is on the second floor, and
(D) it will mean an increase in rent for myself and fellow tenants.

In attending to items mentioned in a, b + c it will add quite a sum to my expenses for Taxi fares to get the services that I require

(2)

Trusting that the above explanation is satisfactory to you

I am

Yours truly
Frank Doran

2 b)

To SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN ST WEST
HAMILTON ONT L8N 3T4

FEB 4 1997

FROM JOHN HARISEY
30 WEST AVENUE NORTH APT 603
HAMILTON ONT L8L 5B8

January 31/97

Dear Sirs.

I have enclosed the reply card and my signed approval, "Sunnyplace" is a major Senior Citizen residence and has improved the quality of life, for our city's aged citizens through it's specialized rental accomodation.
I sincerely believe, the proposed modifications of the building (at second floor level) will be of additional benefit to our honoured aged "Senior citizen. The owners and management of "Sunnyplace" have recently demonstrated their genuine attitude in Senior concerns (by completely changing and re-modelling) the total exterior, of their two-class Senior residence.
"Sunnyplace" is a city land mark in Senior society and the owners and managment are to be applauded, in their efforts to further improve, the live-in retirement accomodation of the building. I do hope the committee will approve (immediately) without debatable delay, the proposed submitted new re-development.
This type of improved retirement residences, for our city's aged citizens, is urgently needed and will prove to be an asset in the present and future, for Seniors. just as it has in the past.
Wishing every success, for the project.
P.S please reply I would like the Committee's views on my views.

Sincerely.
John Harisey

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1997 Feb 4 2/4

To Secretary
planning and development Committee
City Hall
71 Main Street west
Hamilton ontario L8N3T4

FEB 4 1997

2c)

From Mrs Doris Wasko
30 West Avenue South apt 606
Hamilton. ontario L8N3T4

Dear Sir

Enclosed find signed card expressing my approval of unmodified re development of CRO (Com. floor) 350-360 King Street east.

'first place', is a senior citizens residence, a recognized city wide, land mark, the proposed improved change will be a further extension of the accomodations benefits that this building, provides for seniors.

I have no hesitation in approving the zoning change and encourage the planning and development committee to also approve, the additional residential units.

the demand for this type of senior retirement units, is going to increase as the aged increases, the new seniors are appearing on the scene every passing year and 'first place' is taking a step in the right direction in developing additional residential units.

the official owners and the management in charge are to be congratulated on their foresight and also they should be complimented for their endeavours to pursue the building of quality apartments, to house the senior aged citizens of our city

I fully recommend and approve of this project.

I would appreciate a reply to all of the above.

I do hope my volunteered letter will be of assistance in the committee decision Respectfully Doris Wasko

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 199 Z Feb 4 JH 2/4

3

CITY OF HAMILTON

- RECOMMENDATION -

FEB 1 2 1997

DATE: 1997 February 11
CI-96-H

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: General Text Amendment to Zoning By-law No. 6593
Regarding Rendering Plants

RECOMMENDATION:

That approval be given to City Initiative 96-H , for a general text amendment to Zoning By-law No. 6593 to remove tallow rendering or other reducing plant as a permitted use in the "K" (Heavy Industry, etc.) and "KK" (Restricted Heavy Industrial, etc.) Districts, on the following basis:

(i) That Section 2.(2)E.(vii) be amended by deleting the words "tallow rendering or other reducing or rendering plant" so the definition reads as follows:

> ""**Animal By-Product Plant**" shall mean and include a gelatin or glue factory, a bone-meal factory, organic fertilizer plant, and any other plant or premises used for any such purpose;

(ii) That Section 16.(1)(xii)(c) be amended by deleting the words "within the meaning of The Public Health Act" so the clause reads as follows:

> "any other animals products manufacture which is an offensive manufacture."

(iii) That Section 17.(1)(vii) be amended by deleting the words "tallow rendering plant" so the clause reads as follows:

"A slaughterhouse, tannery, glue factory, or any other factory for the manufacture of Animal Products;"

(iv) That Section 18.(1)(vi) be amended by deleting the words "within the meaning of The Public Health Act" so the clause reads as follows:

"An animal by-products plant, an abattoir or slaughter house for other than the killing of rabbits or poultry, a tannery, and any other use which may be an offensive manufacture."

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(vi) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose and effect of the by-law is to provide for a general text amendment to Zoning By-law No. 6593, to remove tallow rendering or other reducing plant as a permitted use in the "K" (Heavy Industry, etc.) and "KK" (Restricted Heavy Industrial, etc.) Districts. In addition, additional amendments to the Zoning By-law are required to remove references to the *Public Health Act*, which has been repealed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS

N/A

BACKGROUND:

In April 1995, complaints were received with respect to foul odours emanating from an offal dumping and reloading station located at 104 Frid Street. No approvals were obtained from any Regional or City Department for this operation. After investigations by the Health Department, the Ministry of Environment and Energy and the Building Department, operations ceased by order of the Regional Public Health Department and have not resumed. In addition, concern was expressed by the Planning and Development Committee as to whether such uses are permitted on Hamilton Harbour Commissioners' lands.

This incident raised the concern as to whether rendering plants should be permitted in the City given their obvious offensive nature and, if they continue to be permitted, whether there should be specific performance criteria (ie. visual barrier, open storage, minimum separation distance from "sensitive" land uses, etc.).

Planning and Development Committee, at their meeting of 1996 December 4, authorized staff to schedule a Public Meeting to consider an amendment to the Zoning By-law to remove rendering plants as a permitted use in the "K" and "KK" Districts.

MAJOR CONCERNS

The major concerns associated with rendering plants include:

- **odours** associated with rendering plants can be offensive, particularly if the animal products (i.e hooves, trimmings, heads, etc.) are improperly stored or handled;
- **health risks** related to operations that may not be suitably covered, or where work space is not adequately cleaned. Further, there may be health risk associated with improper storage, handling, and processing of industrial waste;
- risk of **attracting unwanted birds, insects and vermin** which may increase the potential risk of spreading disease;
- potential for **soil and groundwater contamination** and potential run off on to adjacent properties;
- **noise** associated with any processing, unloading and loading operations; and,
- **heavy truck traffic.**

CURRENT REGULATIONS

- Ministry of Environment and Energy

  The Ministry of Environment and Energy is responsible for the Ontario Water Resources Act (OWRA) and the Environmental Protection Act (EPA).

  Under the EPA, rendering plants must apply to the Ministry for a Certificate of Approval (C of A). Such applications require detailed descriptions of all facets of the operation. C of A's and amendment applications are circulated to the Region's Environment Department (Solid Waste Management Division) for comment. As a co-ordinating agency,

this Division circulates various City and Regional Departments and agencies for comments from their respective mandates (ie. Planning, Building, Traffic, Noise Control, Regional Planning, Fire, Health, etc.). If concerns are raised by one of the commenting agencies, the Ministry will be advised and the proponent will be asked to resolve the issues. When all input is received and any outstanding issues resolved or an impasse has been reached, a report is prepared to either the Region's Environmental Services and/or the City's Transportation and Environment Committee and Council for consideration.

As a commenting agency, the Planning and Development Department advises of compliance with the City's Official Plan. The Building Department comments, amongst other matters, on compliance to the zoning by-law.

The Ministry also requires, a Section 53 approval under the Ontario Water Resources Act for any discharge into the surface water. None of the 6 requests received for comment in 1996 involved such a discharge.

The Ministry advises that:

> "It is always the responsibility of the company to ensure there are no adverse environmental impacts caused by their operation."

A formal abatement plan to address the environmental impacts of such operations is also required. MOEE has no statutory standards for rendering plants; each application is assessed on its own merits.

The Ministry classifies rendering plants as Class III or heavy industrial uses. Such uses generally have the following characteristics:

- noise - sound frequently audible off property;
- dust and/or odour - persistent and/or intense;
- vibration - ground-borne vibration can frequently be perceived off property;
- outside storage of raw and finished products; and,
- open process, frequent outputs of major annoyances and high probability of fugitive emissions.

Based on these characteristics, the Ministry has established a **minimum** separation distance of such uses from "sensitive" uses (eg. residential uses) of 300 m (985 feet) which is used where there are proposals for new industry in close proximity to residential or where new residential development is proposed in close proximity to industry.

- Regional Public Health Department

The Region's Public Health Department advises they recommend rendering plants be located in enclosed areas and supplied with an adequate supply of water. These requirements will reduce odour and keep equipment and work areas clean so as not to attract unwanted wildlife. Storage and disposal of liquid wastes must be properly determined to the satisfaction of the Regional Public Health Department and MOEE.

Under Section 18 of the Zoning by-law, there is a clause that prohibits slaughter houses, tallow rendering, etc and other uses which may be an offensive manufacture within the meaning of the *Public Health Act* or regulations thereunder. The *Public Health Act* was repealed and replaced with the *Health Protection and Promotion Act.* This Act does not contain any requirements for rendering plants or other offensive trades.

- Official Plan

Rendering plants are permitted in areas designated "Industrial" on Schedule 'A' - Land Use Concept are considered "heavy industrial uses" or "general industrial uses" and are subject to the following policies:

"2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. ..Industry is defined as manufacturing,processing, warehousing, repair and servicing...

2.3.4 The HEAVY INDUSTRIAL category applies to Industrial Uses which, by virtue of site utilization or operation, are intensive.

2.3.5 The primary uses permitted in this category will include, but not be limited to: primary metal; wood and paper products; non-metallic mineral products; and chemical products production and processing and any other uses which may have substantial impacts on adjacent uses.

2.3.6 In addition to the ancillary uses that may be permitted in Industrial areas as set out in Policy 2.3.1 above, the following uses may be permitted in the HEAVY INDUSTRIAL category: the open air bulk storage of minerals which are free from the emission of dust, odours or fumes; the storage of cars and/or machinery; the storage of pig iron in the open or in enclosed sheds, structural steel and/or manufactured or semi- finished metal products.

2.3.7 Council will not permit the development of new major Residential development within four hundred (400) metres of HEAVY INDUSTRIAL areas except as provided for in Policy 2.3.1 (iv) above.

2.3.8 Council will ensure that non-Industrial land uses abutting HEAVY INDUSTRIAL areas are protected from adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures.

2.3.10 The primary uses permitted in this category (General Industrial) will include but not limited to the processing of vegetable, animal, textile, wood or paper products.

2.3.23 New INDUSTRIAL USES may be permitted in areas designated INDUSTRIAL, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours and other particulates, water quality control and waste control, including the quality of discharge and run-off.

The removal of the use would not conflict with the intent of the Official Plan.

- Zoning By-law

"Rendering plant" is defined in Zoning By-law No. 6593 as "animal by-product plant", which includes tallow rendering or other reducing or rendering plants where animal by-products are processed.

Rendering plants are permitted only in the "K" (Heavy Industry, etc.) and "KK" (Restricted Heavy Industrial) Districts which are the least restrictive of the industrial districts and, which also permit other heavy and noxious industrial operations, including steel mills.

The "K" and "KK" Districts are located along the entire Bayfront (including HHC Piers 11 to 15), generally north of Barton Street, in the east end between the QEW and Barton Street to the Stoney Creek border and in the west along the Hwy. 403 corridor in the vicinity of King Street, Main Street and Aberdeen Avenue.

It should be noted that By-law No. 83-240 (under appeal by the Hamilton Harbour Commissioners), rezoned Pier 10 from "J" (Light and Limited Heavy Industry, etc.) District and Piers 11, 12, and 14 from "K" (Heavy Industry, etc.) to "F-4 (Waterfront Services) District. The "F-4" District does not permit a rendering plant. By-law No. 83-234 rezoned Pier 8 from "J" (Light and Limited Heavy Industry, etc.) to "F-1" (Waterfront Recreational) District (that part of the By-law applicable to Pier 8 is under appeal). The "F-1" District does not permit rendering plants.

SURVEY OF OTHER MUNICIPALITIES

The following municipalities were contacted with respect to regulations for rendering plants: Burlington, Dundas, Stoney Creek, Flamborough, Glanbrook, Ancaster, London, Toronto and York.

Dundas, Stoney Creek, Ancaster, and York identify rendering plants as a prohibited use. Burlington, Flamborough, Glanbrook and London identify this use as a prohibited use, but also

have at least one such operation existing in the municipality which is recognized by a site specific by-law.

The City of Toronto is the only municipality surveyed which includes rendering plants as a permitted use in the heaviest industrial district. There are no specific performance criteria for these uses in Toronto's zoning by-law.

EXISTING FACILITIES:

By the very nature of their operation, these uses tend to locate in rural areas. One of the methods of waste water storage is within a lagoon which requires a large amount of land area. In addition, the majority of customers that use this type of facility are based in rural areas.

In this regard, it is not surprising there are no existing rendering plants within the City. As noted previously, there is an existing operation in each of Glanbrook and Flamborough.

PLANNING COMMENTS:

The removal of the tallow rendering and other rendering plant uses merits consideration for the following reasons:

- there are potential major nuisances associated with such uses including odour, risk of attracting vermin, unwanted birds, insects, potential for soil and ground water contamination, etc.;

- this initiative will not impact on any plants of this nature since there are none in the City; and,

- these facilities are more likely to locate in rural areas because of the nature of their operation.

It should be noted that if a rendering plant wished to locate within the City, the interested party could make a zoning application; thereby, allowing the City to examine the merits of the specific use.

RECOMMENDATION:

Based on the above, it would be appropriate to remove tallow rendering or other reducing plant as a permitted use in the "K" (Heavy Industry, etc.) and "KK" (Restricted Heavy Industrial, etc.) Districts.

4.

CITY OF HAMILTON

- RECOMMENDATION -

FEB 1 2 1997

DATE: 1997 February 12
(CI 83-B)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed 1997 - Planning Tariff Fees

SECOND REPORT

RECOMMENDATIONS:

a) That the Planning Tariff Fees for 1997, with the exception of the fees for condominiums and plans of subdivision, as shown on APPENDIX "B", be forwarded to the Committee of the Whole for approval.

b) That the Planning Tariff fees for condominiums and plans of subdivision be tabled until such time as the Hamilton and Halton Homebuilders Association has commented on these fees.

V. Abraham

J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Approval of the proposed fee increases will not result in additional revenues over that already estimated in the 1997 Budget. More specifically, the 1996 Current Budget included the interim fee adjustments for Planning services as originally approved by Council (see APPENDIX "A" - Items 17) to 29)). However, when Council subsequently referred the interim fee adjustments back to the Planning and Development Committee the revenues were not adjusted to reflect the

previous 1994 fees. In this regard, the 1996 revenue base has been maintained for 1997 in anticipation of fee increases.

BACKGROUND:

- On March 2, 1995, a Special City Council Meeting was held to consider the FIRST Report of the Committee of the Whole respecting "Current Budget Update and User Fees".

  "1. That the interim fee adjustments as outlined in Appendix "A", as amended be approved for inclusion in the 1995 Current Budget effective April 3, 1995..."

  Items 17) to 29) inclusive of Appendix "A" set out the proposed "Schedule of User Fees" for planning services (see attached APPENDIX "A").

- On March 22, 1995, the Planning and Development Committee recommended that the Committee of the Whole defer the implementation of interim fee adjustments for planning services. At this same meeting, the Hamilton-Halton Home Builder's Association requested further clarification of the fees and the opportunity to meet with staff to discuss alternate fees.

- On March 23, 1995, the Committee of the Whole referred the interim fee adjustments back to the Planning and Development Committee.

- On April 5, 1995, the Planning and Development Committee deferred the interim fee adjustments for Planning fees, and directed staff "...to continue discussions with the Hamilton-Halton Home Builder's Association regarding the method of collection and amount for planning fees based on a cost recovery principle."

  Subsequently, staff met with representatives of the Association on a few occasions but were unable to reach a consensus on any fee adjustments. Generally, the representative of the Association was concerned about the philosophy of the Corporate Fee Policy, and the application of this policy for **all** City Fees.

- On January 22, 1997, the Planning and Development Committee tabled the fees report for further discussion with the Hamilton and Halton Homebuilders Association.

- On January 29, 1997, staff met with a representative of the Homebuilders. Their concerns were the proposed fee increases for subdivisions and condominiums. It was agreed the fess for the other planning functions could proceed; however, further discussion was needed for the subdivision and condominium.

COMMENT:

Consistent with the Corporate User Fee Policy, staff has reviewed the current Planning fees and is recommending increases to certain fees and the establishment of new fees, where the provision of services **"Confer a direct and identifiable benefit..."** and **"Consumption of the service is voluntary and discretionary..."**, etc.

In doing so, staff has considered the **"impact of market conditions"** and is not recommending any fee increase for certain development applications (ie. Zoning, Official Plan, Site Plan) at this time, other than a Cost of Living adjustment as they could be viewed as a deterrent to development. In this regard, the current fees for these applications are comparable to those charged by other municipalities in the Region. In keeping with the procedures of the Corporate User Fee Policy, staff will continue to **"monitor and adjust user fees as required."**

REVISION OF EXISTING FEES

The following is a general description of those services where fee adjustments are recommended:

- **Plan of Subdivision**

  The following table illustrates the fee increases for plans of subdivision as recommended by the consultant in the 1994 "Cost of Service Analysis".

	Current Fee	Consultant Proposed Fee
Simple Application	$ 560	$1,950
Complex Application	$1,020	$2,500

(A simple application is one that conforms to the Neighbourhood Plan and a complex one requires changes to it.)

Comparatively, the fees charged by other municipalities in the Region range from **$1,000 plus $10/lot** to **$2,000 plus $20/lot,** a shown below:

Municipality	Fee
Ancaster	$2,000 plus $20/lot
Dundas	$2,100 plus $20/lot
Flamborough	$2,060 (preliminary $950)

Glanbrook	1,000 plus $10/lot
Stoney Creek	$2,500 plus $250/ha over 4 ha (preliminary $1,000)

In 1995 and 1996, a total of 13 subdivision applications were received (11 complex and 2 simple). With respect to the 11 complex applications, the number of proposed lots ranged from 4 to 119. However, the majority of applications (7) ranged from 17 to 73 lots for a total of 391 and an average of 36 (35.54).

In this regard, if the City was to adopt the prevalent regional fee of $2,000 plus $20/lot the costs would have ranged from a low of $2,080 (4 lots) to a high of $4,380 (119 lots), or the average of $2,720 (36 lots). Such a fee would be consistent with the fee rates charged by area municipalities, and with the recommendation of the consultant.

With respect to simple applications, it has been the City's practise to charge half the complex fee. In this regard, the fee for simple applications would be $1,000 plus $10/lot. For the two simple applications, the fee would have been $1,220 (22 lots) and $1,730 (73 lots). Although this is lower than the consultant's recommendation, it maintains Council philosophy and provides for greater cost recovery.

In addition to lots, most plans contain Blocks that are identified for townhouses, multiple dwellings, commercial development, etc. which require review and should also be assessed a fee. Accordingly, it is suggested that the Regional fee of $150 per Block be adopted. However, the fee should be set at $75 for Simple Applications.

Furthermore, the Department is required to maintain files which have little or no activity. Such applications have to be filed, reviewed and updated for monthly and annual reports. Consistent with Regional practise, it is suggested that an annual Administration Fee of $200 be charged for files over five years old.

CONCLUSION:

That the fees for subdivision applications be set as follows:

Simple Applications	$1,000 plus $10/lot and $75/block
Complex Applications	$2,000 plus $20/lot and $150/block
Administration Fee for Files over 5 Years Old	$200

- **Condominium Applications**

The current fee for Condominium Applications is $560, whereas in the 1994 "Cost of Service Analysis" the consultant recommended increasing the fee to $1,400.

Comparatively, the fees charged by other municipalities in the Region range from $775 to $2,000 plus $20/unit, as shown below:

Municipality	Fee
Ancaster	$2,000 plus $20/unit
Dundas	$775
Flamborough	$855
Glanbrook	$1,000 plus $10/lot
Stoney Creek	$935

Two (2) applications were submitted in 1995, one for 10 units and the other for 33 units. Utilization of the fee per lot as charged by Ancaster and Glanbrook would have resulted in fees of $1,100 and $2,200 for 10 units, and $1,330 and $2,660 for 33 units.

Establishment of a base fee with an additional charge per unit would be consistent with the approach recommended for subdivision. In this regard, the fee of $1,000 plus $10/unit would be appropriate as it most closely approximates the recommended fee of the consultant, and is consistent with the fee charged by area municipalities.

With respect to condominium conversions, the current fee is $1,000 plus $20 per unit (max. 40 units - $800). To be consistent with the recommended fee for 'new building' it is suggested that the unit fee be reduced from $20 to $10, however the maximum unit fee of $800 (40 units) should be eliminated. This would allow for overall balancing of the fee.

CONCLUSION:

That the fee for Condominium Applications be increased to **$1,000 plus $10 per unit,** and the Phase I fee for Condominium Conversions be changed to **$1,000 plus $10 per unit.**

- **Revision of Subdivision/Condominium**

A fee of $355 is charged for a revision to an approved subdivision or condominium, whereas the consultant had recommended an increase to $750.

These applications have to be recirculated, responses are monitored and reviewed, report prepared, etc. Comparatively, the Region has a fee of $800 for revisions.

CONCLUSION:

That the fee for Revision of Subdivisions/Condominium be increased to **$750.**

- **Part Lot Control**

A fee of $305 is charged for Part Lot Control, whereas the consultant had recommended an increase of $360.

Comparatively, the fees charged by other municipalities in the Region are as follows:

Municipality	**Fee**
Ancaster	$100 (no extension fee)
Flamborough	$630 (no extension fee)
Stoney Creek	$700 (plus a $250 fee for an extension)

These applications require circularization, review of comments, report preparation, by-law preparation, etc. The consultant's recommended fee is below the area average.

The Part Lot Control By-law has a 90 day effective period. Owners are required to apply to the City for an extension, if warranted. This extension requires Council to pass a new by-law. As such, additional work has been incurred by the City and therefore, an extension fee should be introduced.

CONCLUSION:

That the fee for Part Lot Control be increased to **$500** and an extension fee of **$250** be established.

- **Rental Housing Protection Act:**

The User Fee Study suggested the fees for RHPA applications:

- be combined into one lump sum fee compared to the existing two phase fee (initial application and post Council adoption); and,

- be increased from $1,000 plus $20 per unit (phase 1) and $250 (phase 2) to $6,300.

Processing of the RHPA applications is complex and involves the following steps: circularization of the application, analysis, tenant information meeting(s), preparation of the report, public meeting notification, circularization of offers, preparation of agreements and Certificate of Approval, registration of agreement(s), etc.

Over the last year, the Department has received several applications and the procedures required to process them have changed considerably. On this basis, staff is

recommending a revised fee schedule that will more accurately reflect the cost of the application.

The fee should be split into two phases - prior to Council adoption and after Council adoption. The proposed phasing of the fees is consistent with the fees for the Official Plan and Zoning. If the application is denied, then the second phase of the fee is not required.

The cost of processing RHPA applications for condominium conversions is very costly since the City is responsible for sending out the offers for all the tenants by registered mail, etc. The $20 per unit cost would apply to all those applications where individual agreements with tenants are necessary. In our experience individual agreements are generally for condominium conversions.

Similar to the routine Zoning Application, severance applications under the Act are less complicated and therefore, less time consuming. On this basis, the fee for such applications should be less.

CONCLUSIONS:

1) The Rental Housing Protection Act Application Fee for:

- condominium conversion;
- co-op conversion;
- conversion to and from care homes (residential care facilities);
- demolition;
- conversion to another use other than a rental property; and,
- renovated or repaired.

be divided into two phases, as follows:

• Phase 1 (Initial Application Fee):	$4,300
• Phase 2 (After Council Adoption):	$2,000 plus $20 for each unit (where individual agreements are necessary)

2) There should be a separate lump sum fee for Severance applications - $3,000.

- **Property Reports and Change of Municipal Number**

The current fee for Property Reports is $40, whereas in the 1994 "Cost of Service Analysis" the consultant recommended increasing the fee to $80 which is the same fee charged by the Building Department.

In addition to Property Reports, the Planning and Development Department receives approximately 40 requests a year for street number changes and/or additional tenant

addresses. Presently no fee is charged for this service which involves a search of area street numbers, written notification to the applicant and affected agencies/departments, corrections to base maps. etc. Accordingly, it would be appropriate to introduce a fee requirement for this service consistent with that charged for Property Reports (ie. $80).

CONCLUSION:

That the fee for Property Reports be increased to **$80,** and a new fee for Change of Municipal Number and Additional Tenant Addresses be set at **$80.**

- **Street Name Change**

A fee of $3,700 is charged for an application for Street Name Change, whereas the consultant recommended an increase to $4,155.

These applications require circularization, review of comments, preparation of report, extensive public notice (e.g. 4 times in newspaper and notices to owners), by-law registration, new street signs, etc. Comparatively, the Region has a fee of $3,800. Accordingly, the consultant's recommended fee is not out of line.

CONCLUSION:

That the fee for Street Name Changes be increased to **$4,155.**

NEW FEES

The following is a general description of those services where new fees should be established:

- **Preliminary Review of Site Plans**

As identified in the following table, the Department has been expending a considerable amount of time in reviewing Preliminary Site Plans:

Year	No. of Preliminary Plans Reviewed	No. of Applications Received
1996	228	38
1995	233	38
1994	130	33

Although there is a benefit in reviewing preliminary plans by reducing the processing time once a formal application is submitted, the ratio between preliminary plans reviewed and applications received does not justify the time expended by staff. In order to derive the greatest benefit from preliminary plan review, it is suggested that a new fee be introduced equivalent to the application fee for a Site Plan Amendment, which would be credited towards the full application fee at the time a formal application is submitted.

This is consistent with the practise of the Town of Flamborough and Stoney Creek with respect to the preliminary review of plans of subdivision.

CONCLUSION:

That a new fee of **$420** be set for Review of Preliminary Site Plans, which is to be credited towards the full fee at the time an application is submitted for Site Plan Approval.

- **Requests for Exemption From Site Plan Approval**

The Department receives approximately 24-36 requests a year for exemption from Site Plan Approval. These requests require circularization, review of comments and plans, and written notification to the applicant. This process is similar to that for Property Reports and Street Number Changes (ie. $80 fee recommended).

Accordingly, it would be appropriate to introduce a new fee to offset the costs associated with processing such requests (ie. $80). In those instances where an exemption is not granted, the fee could be credited towards the full fee when an application for Site Plan Approval or Revision is submitted.

CONCLUSION:

That a new fee of **$80** be set for Requests for Exemption from Site Plan Approval. Where an exemption is not granted, the fee is to be credited towards the fee for Site Plan Approval or Revision.

RECOMMENDATION:

That the Planning Tariff of Fees for 1997 be set in accordance with the "1997 FEE" as shown on APPENDIX "B".

cc. Allan Ross
Treasurer

Len King
Building Commissioner

APPENDIX A

Appendix "A" referred to in Section 1 of the FIRST Report of the Committee of the Whole for 1995

1995 March 2

SCHEDULE OF USER FEES

Item No.	Department	1994 Fee	1995 Fee
	Traffic		
12)	Private Parking Lot Inspections	48.33	60.00 *
	** and increased by the rate of inflation annually*		
13)	On–Street Parking Permits – Reserved	12.00	24.00
	(except for On–Street Disabled spaces where there will be no charge)		
	Treasury		
14)	N.S.F. Cheque Fee	17.00	25.00
15)	Tax Registration		
	– First Year	615.00	615.00
	– Second Year	0.00	400.00
		615.00	1,015.00
16)	Extension Agreement	0.00	150.00
	Planning		
17)	Rezoning – Routine	865.00	Full Cost
	– Complex – Phase 1	1,120.00	Full Cost
	– Complex – Phase 2	610.00	Full Cost
	(does not include 1– and 2–family residential which remains at 1994 levels)		
18)	Official Plan Act – Phase 1	1,120.00	1,950.00
19)	Official Plan Act – Phase 2	610.00	1,925.00

SCHEDULE OF USER FEES

Item No.	Department	1994 Fee	1995 Fee
	Planning		
20)	Site Plan Control	1,020.00	2,040.00
	Site Plan Amendment	410.00	810.00
21)	Subdivision – Simple	560.00	1,950.00
22)	Subdivision – Complex	1,020.00	2,500.00
23)	Condos	560.00	1,400.00
24)	Revision to Subdivisions /Condos	355.00	750.00
25)	Part Lot Control	300.00	360.00
26)	Street Name Change	3,700.00	4,155.00
27)	Property Report	40.00	80.00
28)	Rental Housing Protection Act		
	– Phase 1	1,000.00	Full Cost
	– Phase 2	250.00	Full Cost
29)	OMB Hearing	Varies	Referred to P & D
	Roads Department		
30)	Simple MSA (Modified Subdivision Agreement)	0.00	Referred to Management Team
31)	Complex MSA (Modified Subdivision Agreement)	0.00	2,000.00 + 100/lot
32)	Phase 2 Subdivisions	0.00	3,000.00 + 100/lot

PLANNING AND DEVELOPMENT DEPARTMENT FEES

	SERVICE	CURRENT FEE	CONSULTANT RECOMMENDED FEE	1997 FEE	FEE INCREASE
1	Rezoning				
	- Routine	$865	$1,300	$885	$20
	- Complex -Phase 1	$1,120	$1,680	$1,145	$25
	- Complex - Phase 2	$610	$915	$625	$15
2	Official Plan Amendment				
	- Phase 1	$1,120	$1,950	$1,145	$25
	- Phase 2	$610	$1,925	$625	$15
3	Site Plan Control				
	- applications	$1,120	$2,040	$1,140	$20
	- revisions to plans	$410	n/a	$420	$10
	- preliminary review	n/a	n/a	$420	NEW
	- exemption requests	n/a	n/a	$80	NEW
4	Plans of subdivision				
	- simple	$560	$1,950	$1000 plus $10 lot & $75 block	$440
	- complex	$1,020	$2,500	$2,000 plus $20 lot & $150 block	$980
	- administration of files over 5 years	n/a	n/a	$200	NEW
	- revisions	$355	$750	$750	$395
5	Plan of Condominium				
	- new buildings	$560	$1,400	$1,000 plus $10 unit	$440
	- Conversion - Phase 1	$1000 plus$20 unit (max. $800)	n/a	$1,000 plus $10 unit	$0
	- Conversion - Phase 2	$250	n/a	$250	$0
	- revisions	$355	$750	$750	$395

	SERVICE	CURRENT FEE	CONSULTANT RECOMMENDED FEE	1997 FEE	FEE INCREASE
6	Part Lot Control				
	- applications	$300	$360	$500	$200
	- extensions	n/a	n/a	$250	NEW
7	Rental Housing Protection Act Applications (except severance RHPA)				
	- Phase 1	$1000 plus$20 unit (max. $800)	$6,298	$4,300	$3,000
	- Phase 2	$250	n/a	$2,000 plus 20 unit for condo conversion	$1,750
	- Severance	n/a	n/a	$3,000	NEW
8	Property Reports	$40	$80	$80	$40
9	Municipal Numbers	n/a	n/a	$80	NEW
10	Street Name Change	$3,700	$4,155	$4,155	$455

▒▒ Fees to be Tabled

6.

MAY, PIRIE, DAKIN & ASSOCIATES LIMITED
LAND USE PLANNING CONSULTANTS
DONALD F. MAY, M.C.I.P., R.P.P. W. MORGAN PIRIE, M.C.I.P., R.P.P. J. KENNETH DAKIN, B.E.S.

February 11, 1997
File No. HW-H121

VIA FAX (546-2095) ORIGINAL BY MAIL

Ms. Tina Agnello, Secretary
Planning and Development Committee
City Clerk's Department
71 Main Street West - 2nd Floor
Hamilton ON L8N 3T4

Dear Ms. Agnello:

RE: ZAC-96-05 AND SAC 96-01

With regard to the two above noted applications, we would request an extension for the tabling of the matter.

Thank you for your assistance with this matter. Should you require additional information or wish to comment, please contact our office.

Yours truly

MAY, PIRIE, DAKIN & ASSOCIATES LIMITED

Terri L. Johns, M.C.I.P., R.P.P.
Planning Associate
TLJ:js\t28feb

cc: Mr. S. Robichaud, Planning Dept.(via fax only 546-4202)
Mr. P. Silvestri (via fax only 528-6328)
Mr. J. Maziarz (via fax only 529-6983)

3310 SOUTH SERVICE ROAD, SUITE 205, BURLINGTON, ONTARIO L7N 3M6
TELEPHONE (905) 632-4066 OAKVILLE (905) 847-0466 HAMILTON (905) 544-4870
FAX (905) 632-9528

5.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 February 19
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1997 February 5

B. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Extension of Draft Plan Approval "Battleridge" Subdivision (File 25T-76024).

b) Zoning Application 93-42, rear of 1094 Upper Sherman - Closure of file (Thorner Neighbourhood).

C. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Vacant Heritage Buildings in Hamilton

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1997 February 5
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:
Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. M. Morrow
Alderman Wm. McCulloch
Alderman F. Eisenberger
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling
Alderman G. Copps

Also present:
Alderman T. Jackson
Alderman D. Ross
Victor Abraham, Director of Planning and Development Department
Caroline Floroff, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Patrice Noé Johnson, City Solicitor
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Peter Lampman, Building Department
Larry Harvey, Building Department
Willy Wong, Building Department
Mark Mascarenhas, Building Dept., Housing and Loans Div.
Tina Agnello, Secretary

The Committee agreed to hear the Agenda out of order.

1. **Referral Back from Council**

Alderman Ross was present and stated that the Building Department completed an inspection of the Mohammed's property and found that there is $200 extra of work to be completed.

Following brief discussion, the Committee concurred that the original resolution be amended to add an additional $200 to be paid and recommended to Council as follows:

> That the City of Hamilton through the Building Department Housing and Loans Division, without prejudice, reimburse Mr. and Mrs. Mohammed of 261 Cranbrook Drive in the amount of $2,875 which was payable through the former OHRPD programme plus $200 for adjustments to the existing building modifications for a total of $3,075 , and that the payment be subject to the Mohammed's signing a letter of release regarding the outstanding legal action.

2. **City Initiative 91-I, Mobile Signs**

Submissions were received by the following:

(a) George Langadinos, Hamilton Wentworth & District Mobile Signs Association Inc., 38A Bigwin Rd., Box 55, Hamilton L8W 3R4, dated 1996 December 9
(b) Dr. Henry Muggah, McMaster University
(c) George Langadinos, Hamilton Wentworth & District Mobile Signs Association Inc., 38A Bigwin Rd., Box 55, Hamilton L8W 3R4, dated 1997 February 3

Alderman Drury thanked staff, the Committee and members of the Industry who have participated in the process.

Caroline Floroff pointed out two corrections; firstly, an error in the advertisement that the permit fee will not be $15 for a two week period, but $35 for a two week period; and secondly that page 2 of Appendix "A" has been replaced due to typographical errors.

Ms. Floroff summarized the changes to this Mobile Sign By-law from the previous one as follows:

(a) Deletion of third party prohibition
(b) Increase in the number of days for signage from 90 to 180 per year per property
(c) Increase in permit period from 15 to 30 days.
(d) Hiatus period will be equal to previous period.
(e) Permits will be issued to businesses.
(f) City parks and property will be permitted to have signs provided they are for City or Regional special events.
(g) The signs must not pose a hazard to pedestrians.

In response to a question from Alderman Caplan, Caroline Floroff stated that schools are being treated like any other property, and since many of them are in residential neighbourhoods they will not be permitted to have signs.

Dr. Charles Forsyth of 175 Delaware Avenue was present. He stated that in principle he supports the initiative, that in terms of aesthetics Council is trying to beautify the City and therefore there must be some control with mobile signs. He stated, therefore, that the City should press on with the proposed By-law.

Ross Sferrazza, a local businessman on the east Mountain, was present. He stated that mobile signs are his main form of advertising. They are the most inexpensive and appropriate form of advertising for his business. Without these signs his business may not be viable.

Simon Ive, owner of "1-888 Rent Sign" was present. He stated that he has been in business for two years in Hamilton. He rents out many of the neon signs which are in the Hamilton area. He stated that Mr. Sferrazza is a customer of his. He was on the Steering Committee and stated that the opinions of industry people did not change the staff report.

He stated that even though businesses are permitted 180 days of signage there are many other restrictions which will not allow them to have the signs up for 180 days. In his opinion the largest businesses in a plaza paying the most rent will have the advantage of use of mobile signs. He prefers that each business be permitted a sign per property.

He continued by stating that Mr. Langadinos has his business for sale or may declare bankruptcy. He declared his frustration since he has invested much time and money in a business and it is now being destroyed. It is not fair when other levels of

government impose things on the City and it is not fair when this is imposed on the sign industry. He stated that the City has seized one of his signs and it cost the City money to do this. He will leave the sign there and it will cost the City money to keep the sign there each day.

He said that some plazas have 30 metre separation distances, so he questioned why they cannot have more than one sign if they meet all other criteria. He stated that these signs work better than any other media or flyers. They are the only inexpensive form of advertising that small retailers can afford.

In response to a question from Alderman D'Amico, Mr. Ive stated that each business should be permitted six 30-day periods per business per year. He also stated that the $35 fee for a 15-day permit is to costly.

Mr. Donald McPhail of 349 Golf Links Road, Ancaster, who owns a sign business in Burlington and operates in Hamilton, was present. He questioned if the City will tender a sign agency to place signs up for special events. He also asked why the legislation is being passed under the Municipal Act and not under the Planning Act.

Peter Lampman advised that, since the signs are not permanent, they are being licensed under the Municipal Act.

Mr. McPhail stated that the operators should be licensed, not the businesses since the $35 fee will be used up in trying to monitor and control all these signs. He stated that in Brampton there is control over the size of the letters and the colour of the signs. In that way there is uniformity. He advised that a 10-inch letter on a 12-inch font can be read from a distance of 400 feet. He distributed photos of signs to the Committee. He also stated that sign variances should be considered. In Burlington and Oakville, variances cost $75 and in Stoney Creek they cost $50. He stated that any excess money from the fees should be used for City beautification.

Alderman Copps noted that the meeting proceedings were being taped.

Mr. George Langadinos of 3 Edith Avenue was present. He is an executive member of the Hamilton Wentworth and District Mobile Signs Association and he is also on the Working Committee. He has represented members of the Association for 25 years. He is concerned that the process was started three years ago but the public is not being informed properly by the press. He opposes third party advertising and questioned why some signs are permanent and others mobile. He also questioned why section 146 and 147 of the Municipal Act was being used since the definition of mobile signs is not in any legislation.

John Shouten of Eye Mark Signs was present. He said that on the whole the By-law was good. Minor variance of application fee of $300 is far to great for small businesses and $35 permit fee for 15 days is also too much. He questioned the hiatus clause and felt that it would be a problem. He stated that the operator should be regulated and as such the City will have a way of controlling any illegal signs. In Burlington and Mississauga the operators are licensed.

Alderman Merling clarified that the variance fee proposed to be changed is $300 and the Planning and Development Committee will process the variances because it is through the Municipal Act not the Planning Act that the legislation is being passed.

Victor Abraham verified that the cost is based on estimated staff time.

Mr. Ive interjected that he prefers that one person makes the variance decision and that it be at a cost of $75 per request.

Alderman Copps stated that restrictions on permanent signs are extremely great as compared to those for mobile signs. Signs have proliferated in the past few years and the general public wants something done about it. Standards are required, everyone agrees on this.

Alderman Eisenberger agreed with the regulation of operators. He stated that as of recent, too many signs have appeared in various locations. He questioned the cost of $35 per 15-day permit. Peter Lampman replied that this is taken from what other municipalities charge. In addition to that, we are interested in cost recovery.

Mr. Lampman stated that in addition people can be fined as well as have their signs confiscated. Right now we are charging $100 to remove a sign but this is being reviewed.

Alderman Eisenberger requested that the By-law be reviewed in six months time.

Alderman Caplan preferred that operators be self-regulated. He also stated that the fee for a 15-day period is an incentive to rotate the signs from business to business.

Alderman D'Amico stated that the six 30-day periods for signage is not onerous. He concurred that operators should be licensed and requested staff to investigate the possibility of standardizing letters and colours.

Victor Abraham stated that colour and size was subjective and the investigation on these two items can be reviewed in six month's time.

Alderman Merling stated that many of the existing signs are illegal. The City is trying to regulate smaller plazas which have a proliferation of signs. The general public en masse does not want these signs. Some pose problems to pedestrians and motorists. He suggested implementation and a review in six months.

Alderman Copps concurred that operators should be licensed.

Caroline Floroff stated that the licensing of operators would have to be reviewed by the Clerk's Department and pro-active enforcement should be conducted by the Building Department.

Peter Lampman stated that the Building Department will issue the permits, track them and enforce them. They also have authorization to remove signs and charge people.

In response to a question from Alderman Drury, Caroline Floroff stated that mobile signs are specifically dealt with in the Municipal Act because they are a temporary form of signage. She also advised that the hiatus period recognizes signs as being temporary not permanent.

Alderman Eisenberger proposed the following amendment to the main motion which was placed on the floor and carried:

> That the By-law be monitored for a six-month period with a staff report being brought back to the Committee at that time.

Alderman Eisenberger also proposed a change in the $300 variance fee, but there was not seconder.

Alderman Drury proposed a further amendment which was carried as follows:

To modify the hiatus period to 15-days in the Mobile Signs By-law.

Alderman Merling proposed a further amendment which was requested to be split in two sections which the Committee voted on and were both carried as follows:

(a) That the By-law be implemented but that the fees not be charged for a period of three months after the implementation of the By-law; and,

(b) That a staff report be brought back to the Committee in three months regarding actual recovery costs for the implementation and enforcement of the By-law as well as a review of permit fees for businesses and licensing for operators.

Alderman Charters proposed a further amendment to exclude the "M" Districts from the By-law for a period of six months which, after brief discussion, was withdrawn.

Following discussion, the recommendation of the Director of Planning and Development, Building Commissioner and Chief Administrative Officer, dated 1997 January 29 was forwarded to Council as amended as follows:

(a) That approval be given to City Initiative 91-I, to regulate mobile signs on private property in accordance with Section 21 Municipal Act, and that the By-law attached as Appendix "A" be forwarded to Council for approval; and,

(b) That the by-law be monitored for a six month period with a staff report to be brought back to the Committee at that time; and,

(c) That a staff report be brought back to the Committee in three months regarding actual recovery costs for the implementation and enforcement of the By-law as well as a review of permit fees for businesses and licensing for operators.

*** ALDERMAN CHARTERS OPPOSED.**

3. **Referral Back from Council - Sesquicentennial Banners**

Alderman D'Amico stated that he is requesting that the Sesquicentennial organization also be granted five banners free of charge.

The Committee concurred and recommended to Council as follows:

(a) That the Public Works and Traffic Department be authorized to give to each Business Improvement Area in the City of Hamilton and the Sesquicentennial Celebrations Inc., 5 sesquicentennial banners free of charge; and,

(b) That the remaining sesquicentennial banners be sold at a cost of $25 each, inclusive of G.S.T.; and,

(c) That the revenue derived through the selling of the banners be credited to the account utilized to purchase same (Account Number CF 5698 428705099 - the Commercial Improvement Program).

3. DIRECTOR OF PLANNING AND DEVELOPMENT

Zoning Application 96-12, by 583783 Ontario Inc. (D. and F. Steller) for Modification to "E-1" District for Lands Located at 10 Herkimer Street and 9 and 11 Charlton Avenue West.

As recommended in a report dated 1997 January 29 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Zoning Application ZAC-96-12, 583783 Ontario Inc. (D. and F. Steller), owners, requesting a modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations (Block "1"), and a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations (Block "2") to permit the expansion of the existing residential care facility for seniors from 58 to 77 residents, for property at 10 Herkimer Street and 9 and 11 Charlton Avenue West, as shown on the attached map marked as Appendix "B", on the following basis:

(i) That By-law Nos. 83-217 and 89-276, applicable to Block "2", be repealed;

(ii) The "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of Zoning By-law No. 6593 applicable to Blocks "1" and "2", be further modified to include the following variances as special requirements:

(1) That notwithstanding Subsections 11A (1)(i) and 11(1)(iiib) of By-law No. 6593, the following RESIDENTIAL USE shall be permitted:

(a) a residential care facility for the accommodation of not more than 77 residents, provided that said residents shall not be less than 60 years of age;

(2) That notwithstanding Section 11A(3)(ii)(b) of By-law No. 6593, there shall be provided and maintained:

(a) along the westerly lot line of Block "2", a side yard of not less than 1.26 m in width;

(b) along the northerly lot line of Block "2", a side yard of not less than 4.5 m in width;

(c) along the westerly lot line of Block "1", a side yard of not less than 3.05 m in width;

(d) along the northerly lot line of Block "1", a front yard of not less than 3.05 m in depth; and,

(e) along the easterly lot lines of Blocks "1" and "2", a side yard of not less than 2.52 m in width;

(3) That Section 11A(7) of By-law No. 6593 shall not apply;

(4) Notwithstanding Section 18A(9) and (10), a portion of the required manoeuvring space for the parking on Block "1" shall be provided on No. 15 Charlton Avenue West;

(5) That notwithstanding Section 18A of By-law No. 6593, not less than ten (10) off-street parking spaces shall be provided and maintained on the site;

(iii) That the amending By-law be added to Section 19 of Zoning By-law No. 6593 as Schedule S-832b and that the subject lands on the Zoning District Maps W5 and W6 be notated S-832b;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W5 and W6 for presentation to City Council;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(vi) That the Durand Neighbourhood Plan be amended by redesignating Block "1" from "Commercial and Apartments" to "Medium Density Apartments".

(b) That the amending by-law not be forwarded to Council until such time as the applicant submits a servicing study, including capacity calculations, outlining details regarding the demand the proposed development will place on the existing sewers, and provide verification that this demand will be adequately accommodated by the system to the satisfaction of the Manager of Development of the Regional Environment Department.

4. **CONSENT AGENDA**

A. Adoption of the Minutes

The minutes of the meeting held 1997 January 22 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) **Westdale Village Business Improvement Area Revised Board of Management 1996 - 1997 - dated 1997 January 31:**

(i) That Schedule "B" of By-law No. 96-190, appointing the Westdale Village B.I.A. Board of Management be repealed and the following substituted:

SCHEDULE "B"

D. Upsdell	Westdale Jewellers Ltd.
S. Snider	The Picture Frame
M.B. Ledden	Judy Marsales Real Estate
R. Lahie	Jack Carruth Shoes Ltd.
G. Ditner	Cottage Florist
D. Simpson	Simpson Watson and Vujnovic
C. Gerrie	Journey to the East
K. Patterson	Oddities II
D. Thorne	Truth
B. Davison	Design House Inc.
J. Mouskos	New Village Restaurant

(ii) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 96-190 pursuant to (a) above.

(b) **Ninth Annual Public Service Announcement - dated 1997 January 31:**

That the City of Hamilton's Public Works and Traffic Department, in conjunction with The Keep Hamilton Clean Committee, hold The Ninth Annual Public Service Announcement Competition through Mohawk College Media Studies Program and CHCH-TV at a total estimated cost of $2,500.

C. **BUILDING COMMISSIONER**

(a) **1232 Upper Gage Avenue - Demolition - dated 1997 January 24:**

That the Building Commissioner be authorized to issue a demolition permit for 1232 Upper Gage Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(b) **Downtown Convert/Renovate-to-Rent Loan Program 120 John Street North - dated 1997 January 29:**

That a loan under the Downtown Convert/Renovate-to-Rent Loan Program in the amount of forty-eight thousand dollars ($48,000) to Elia and Antonio DaSilva, carrying on business as 452031 Ontario Inc., for conversion of 120 John Street North into 16 residential units be approved, subject to the following:

(i) Fulfilment of the borrowing requirements of the Downtown Convert/Renovate-to-Rent Loan Program; and,

(ii) Approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan.

Alderman Charters noted that this is the first project under the Convert-to-Rent Program.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

(a) Information Items

The Committee acknowledged the following items for information which were received under separate cover:

(i) Building Commissioner Re: Ainslie Wood and Westdale Areas - Status Report on Building Activity at Various Properties, dated 1997 January 29; and,

(ii) Chairperson CAPIC re: Support for Two Way Streets in Downtown Hamilton from CAPIC, dated 1997 January 30.

6. OTHER BUSINESS

None.

7. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Alderman D. Drury, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in
Section 2 of the Planning and
Development Committee Minutes
dated 1997 February 5

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 97-

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF MOBILE SIGNS ON PRIVATE PROPERTY WITHIN THE CITY OF HAMILTON

WHEREAS Section 210, paragraph 146 of the Municipal Act R.S.O. 1990, c.M. 45, authorizes a council of a local municipality to pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof,

AND WHEREAS the Council of The Corporation of the City of Hamilton has deemed it desirable to enact a by-law regulating the size, use, location and maintenance of mobile signs on private property for the purpose of ensuring that mobile signs minimize hazards to pedestrian and vehicular traffic,

AND WHEREAS Council has deemed it desirable to enact a by-law which imposes restrictions on the number of mobile sign permits that will be issued and to limit the amount of time a mobile sign can be placed in one location for the purpose of maintaining and preserving the aesthetic integrity of the urban landscape,

AND WHEREAS Council is empowered under Section 326 of the Municipal Act, R.S.O. 1990, c.M.45, to require compliance with this by-law, and upon default of such compliance, may carry out such corrective action as is deemed appropriate and may recover the expenses incurred in doing so in like manner as municipal taxes,

AND WHEREAS Council is empowered under Section 320 of the Municipal Act, R.S.O. 1990, c.M.45 to impose fines for the contravention of any by-law,

NOW THEREFORE the Council for The Corporation of the City of Hamilton ENACTS as follows:

ADMINISTRATION AND GENERAL PROVISIONS

Definitions

1. In this By-law,

   (a) "agent" means a person designated by another person to act on his behalf;
   (b) "applicant" means a person applying for a mobile sign permit under this By-law;
   (c) "business" means any one activity, dealing, occupation or trade of either a commercial, industrial or professional endeavour as carried out or engaged in, at an establishment;

(d) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the City of Hamilton and includes his designate;

(e) "City" means the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;

(f) "commercial district" means property that is zoned commercial as defined under City of Hamilton Zoning By-law 6593 as amended;

(g) "commercial or industrial complex" includes a shopping centre, shopping mall, shopping plaza, strip plaza, mall or place and is a group of three or more commercial uses excluding professional and administrative offices;

(h) "Corporation" means The Corporation of the City of Hamilton;

(i) "Council" means the Council for The Corporation of the City of Hamilton;

(j) "daylight triangle" means an area of a corner lot which is determined after the side lot line adjacent to the street and the street lot line have been extended to their point of intersection and by measuring from the point of intersection of the two lot lines a distance of 9.0m, along each lot line and joining such points with a straight line. The triangularly-shaped land between the point of intersection of such lot lines and the straight line joining the points at the designated distance along each such lot line shall be known as the "daylight triangle";

(k) "downtown core" means the area shown on Schedule "A" of this By-law;

(l) "electronic variable message centre (EVMC)" means an illuminated sign or part thereof which is computer controlled and which displays information to the public or attracts attention to the message by way of a pre-arranged or variable sequence of electronically generated letters, words, light patterns or shapes;

(m) "erect" includes the placing of, arranging for the placing of, the renting of, or the leasing of;

(n) "flashing mobile sign" means a mobile sign equipped with an intermittent or flashing light source;

(o) "street lot line" means the line that divides a lot from a street, but not a lane or alleyway;

(p) "grade" means the average level or elevation of the finished surface of the ground adjoining a building at all of the exterior walls or the mobile sign structure at the point of contact with the ground but shall not include any artificial embankment or planter box;

(q) "hiatus period" means a time period equal to fifteen (15) days. A hiatus period shall follow the placement of each and every mobile sign on a property in accordance with this by-law;

(r) "illumination" means lighting of the sign, in whole or in part by artificial means. Internal illumination means lighting the sign face with a light source located within the sign; external illumination means having a light source exterior to the sign and on, or directed at the sign, and flashing illumination means illumination that varies and is perceived to vary in intensity or design at periodic intervals;

(s) "industrial district" means property that is zoned industrial and defined under City of Hamilton Zoning By-law 6593 as amended;

(t) "message board" means that part of a sign on which the copy, characters, symbols or letters used to create the sign message are displayed, and "display surface" shall have a similar meaning;

(u) "mobile sign" means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

(v) "mobile sign permit" means a mobile sign permit issued by the Chief Building Official or his designate pursuant to the provisions of this By-law for the legal display of a mobile sign;

(w) "motorized vehicle" means an automobile, truck, motorcycle or similar self-propelled means of transport but does not include a trailer;

(x) "multiple address location" means a location where two or more municipal addresses are contained in the same commercial or industrial complex or place;

(y) "permit holder" means a person who holds a valid mobile sign permit issued under this By-law;

(z) "person" means an individual, firm, corporation, association, business or partnership and includes an owner and lessee of a property;

(aa) "premises" means specific property, and includes all buildings and accessory structures thereon;

(bb) "property" means and refers to the location where a sign is to be positioned for display, or is displayed, or can be a reference to a specific street address of a business and includes a multiple address location;

(cc) "Regional Council" means the Council for The Regional Municipality of Hamilton-Wentworth;

(dd) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;

(ee) "sign area" means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border shall include all the area of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign;

(ff) "sign height" means the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame; and,

(gg) "unsafe sign" means a sign which is either structurally unsafe, or which constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which would otherwise constitute a risk to the safety of persons or premises.

(c) is in good repair and has not become unsafe, unsightly or dangerous;
(d) is situated at grade;
(e) where it is electrically illuminated, has Ontario Hydro safety code approval;
(f) where it is utilizing electrical power, uses only an electrical cord that has C.S.A. approval;
(g) is located on private property and is not located on a road allowance;
(h) where it is located within 100 feet (30.5 metres) of a residential zone, is equipped with a timer to turn off the light source in order to eliminate any annoyance to persons in the adjoining residential zones between the hours of 10:00 P.M. and 8:00 A.M.;
(i) has the name and telephone number of the owner of the mobile sign affixed to the mobile sign at a clearly visible location;
(j) has not greater than $5.6m^2$ of sign area per face with no one dimension greater than 2.4m; and
(k) has a sign height that does not exceed 2.4m.

14. No person, or his agent or permit holder, shall erect, permit to be erected, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign on lands or buildings owned, rented, leased or occupied by them:

(a) for more than 60 consecutive days;
(b) for more than 180 calendar days per year;
(c) on a property where a previous mobile sign permit has expired and no further permits are available in accordance with subsections (a) and (b) above;
(d) the content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the municipality;
(e) contrary to the approved location on a sketch, and contrary to information on the application, in respect of which the mobile sign permit was issued;
(f) so as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting;
(g) at any location where the sign obstructs the sightlines and view or any unimpeded mobility of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device;
(h) which obstructs or otherwise interferes with an exit door or fire escape, fire exit route, fire hydrant, or yard hydrant so as to prevent or impede the free access of emergency vehicles and personnel to emergency equipment or to any part of a building requiring such access;
(i) which obstructs or otherwise impedes the parking of a motor vehicle or is situated in a required parking or manoeuvring area;
(j) with electrical wiring in the path of vehicular or pedestrian traffic;
(k) which has flashing or moving lights;
(l) which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion;
(m) which in whole, or in part is an electronic variable message centre;

(n) which emits illumination resembling an emergency light or traffic regulating device;
(o) prior to the issue date set out in the mobile sign permit;
(p) which would be an unsafe sign;
(q) within 50 feet (15 metres) of the closest edge of the nearest mobile sign;
(r) within 30 feet (9 metres) of the intersection of two streets;
(s) within 50 feet (15 metres) of a residential district;
(t) where the setback from property lines to the mobile sign is less than 1.5 metres;
(u) where the mobile sign is elevated on any temporary or permanent object which is being used as the base for a mobile sign or part of a mobile sign structure;
(v) where the property is zoned anything other than that indicated in section 13;
(w) where the property on which the mobile sign is located is zoned "residential";
(x) where the property on which the mobile sign is situated is located, in the downtown core as shown on Schedule "A" of this By-law;
(y) where two mobile sign permits have already been issued for the property and have not expired;
(z) where a hiatus period has not expired;
(aa) where the mobile sign would not comply with this or any other by-law;
(bb) which has more than two sign faces or any one sign face which exceeds 5.6m^2 in area or has any one dimension that is greater than 2.4m;
(cc) which has a maximum height measured from grade greater than 2.4m; and

15. A person or his agent shall place the mobile sign at the municipal address of the person named on the application.

16. The permit fee as set out in Schedule "B" shall be submitted with each application for a mobile sign permit.

17. The permit fee as set out in Schedule "B" does not apply to an application for a Council or Regional Council approved special event.

REVOCATION OF A PERMIT

18. A mobile sign permit may be revoked by the Chief Building Official or his designate under the following circumstances:

(a) where the mobile sign does not conform to this By-law and amendments thereto;
(b) where the mobile sign does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;

(c) where the mobile sign permit has been issued as the result of false, incorrect or misleading statements;

(d) where the mobile sign permit has been issued in error by the Chief Building Official or his designate.

VARIANCES

19. (a) Where the applicant or person in control of a sign for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor variance from the provisions and regulations of this by-law.

The Council shall hear all such applications and may authorize minor variances from the provisions and regulations of this by-law.

(b) All applications for a minor variance shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of three hundred dollars ($300.00). The variance fee shall not be refundable.

PENALTIES AND ENFORCEMENT

Removal of Illegal Mobile Signs

20. (a) When a mobile sign is erected or displayed in contravention of the provisions of this By-law, the mobile sign shall be removed immediately without notice, where located on, over, partly on, or partly over, property owned by or under the jurisdiction of the City of Hamilton;

(b) Where a mobile sign is located on property other than property owned by or under the jurisdiction of the City of Hamilton, the Chief Building Official or his designate may forward a notice, by personal service or regular post, to the Lessee or owner of the sign, or their agents, or to the person or agent having the use or major benefit of the mobile sign, requiring that the mobile sign be permanently removed within the time specified in the Notice and thereafter not replaced with any mobile sign in contravention of this By-law;

(c) If the Notice is not complied with the Chief Building Official or his designate may require that the municipality, its employees, or an independent contractor enter upon the land and remove such mobile sign. The owner of the land upon which the mobile sign was located shall pay for any costs or expenses of the City. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended from time to time;

(d) where a mobile sign is deemed by the Chief Building Official or his designate to be in such a condition or location that it is or may be a hazard to the public, the Chief Building Official or his designate may either serve written notice to the owner or tenant of the property on which, or in front of which such mobile sign is located, to remove such mobile sign or make the same safe, or without giving notice to the owner or tenant of the property on which such mobile sign is located, cause such mobile sign or structure to be removed;

(e) any sign removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed;

(f) mobile signs removed shall be stored by the City for a period of time of not more than thirty (30) days, during which time the owner or his agent may be entitled to redeem such mobile sign upon the payment to the City of a one hundred dollar ($100.00) fee in addition to any applicable costs or expenses referred to in subsection (c) above;

(g) where a mobile sign has been removed by the City and stored for a period of 30 days and has not been redeemed, such mobile sign shall be forthwith destroyed or otherwise disposed of by the City.

Penalty for Non-Compliance

21. (a) Any person who, on his own or by his agent, contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time to a fine of not more than five thousand dollars ($5,000.00), exclusive of costs, for each offence. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such thereunder. Such fine shall be recoverable under the Provincial Offences Act.

(b) Where a person has been convicted of an offense under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offense.

(c) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

Liability

22. Any persons erecting or maintaining any mobile sign or on whose property a mobile sign is located, shall be liable for such mobile sign. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such mobile sign or part thereof.

Notice

23. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by regular mail addressed to the person making application for permit to erect a mobile sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located, or at the last address for delivery appearing on the records of the Chief Building Official or his designate.

Schedules

24. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

Applicability

25. This By-law shall be applicable to all lands within the corporate limits of the City of Hamilton.

Validity

26. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Meaning

27. For the purpose of this By-law, where the words "his" or "he" is used they shall also mean or stand for the words "her" "she" and "it" in the case of a corporation.

Short Title

28. This By-law shall be known as the Mobile Sign By-law.

Effective Date

29. Except for section 16, which shall come into force and take effect on the 12th day of May 1997, this By-law shall come into force and take effect on the 12th day of February, 1997.

PASSED this 11th day of February, A.D. 1997

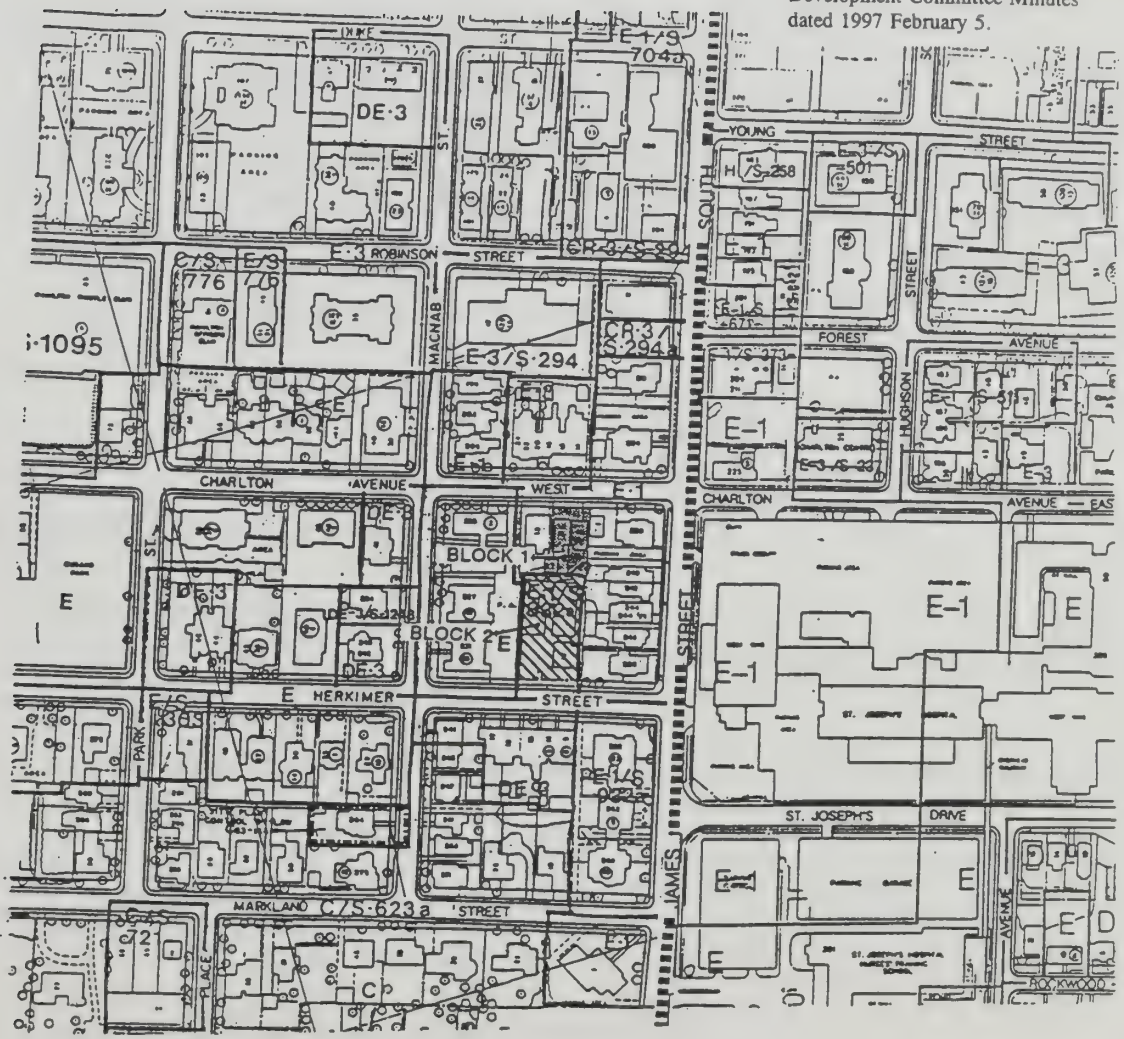
CITY CLERK MAYOR

SCHEDULE "B"

PERMIT FEES

All permit applications shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of thirty-five ($35.00) per two week period.

Appendix "B" as referred to in Section 3 (a) of the Planning and Development Committee Minutes dated 1997 February 5.



Legend

Proposed Change .

ZAC-96-12

BLOCK 1 — "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.

BLOCK 2 — Further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District.

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

FEB 1 2 1997

DATE: 1997 February 6
Gershome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Extension of Draft Plan Approval
"Battleridge" Subdivision (File No. 25T-76024)

RECOMMENDATIONS:

(a) That the Region by requested to approve the application by B.J. Clark, agent, to extend draft plan approval for "Battleridge" subdivision under Regional File No. 25T-76024 for a further one (1) year period to February 28, 1998.

(b) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

V. J. Abraham

J. J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Location:

The "Battleridge" subdivision is located in the Gershome Neighbourhood south of King Street East and east of Greenhill Avenue (see Appendix "A").

Owner:

Sunshine Homes and DiCenzo Construction Ltd.

History:

The "Battleridge" subdivision was originally draft approved on August 29, 1980. The subdivision is for 77 lots for single family dwellings, 31 lots for semi-detached dwellings (62 units) and 3 blocks for townhouse dwellings (approximately 149 units). Phase 1 was registered in September, 1982 and was for 51 lots for single family dwellings. Phase 2 (under separate file as part of a previous townhouse block) was registered in 1984 for 18 lots for single family dwellings.

Draft plan approval has been extended annually since 1983. In January, 1993, draft plan approval was extended for 3 years. The present approval lapses on February 28, 1997. The applicant's agent has requested a further one year extension due to the request by the Department of Public Works and Traffic that a temporary turn-off lane be provided for the balance of the draft approved subdivision. A turn-off lane was not required for Phase 1 and Phase 2.

A further one year extension should provide sufficient time to allow for the resolution of the temporary turn-off lane. The applicant's agent has advised that a comprehensive traffic study has been initiated to attempt to resolve this matter. It is noted that the applicant has submitted the engineering drawings for Phase 3. Therefore, the owner has requested a further extension to allow for sufficient time to fulfil the requirements of draft plan approval applicable to Phase 3.

COMMENTS:

The original conditions of draft plan approval have been reviewed to determine if they are still applicable to the development. The Regional Environment Department has advised that they have no objection to the approval of the request for a one year extension.

With two major phases of the development completed, the applicant's agent has advised that the final phase is now being processed. Therefore, a further extension of draft plan approval should not be required, subject to the satisfactory resolution of the turn-off lane.

CONCLUSION:

Based on the foregoing, the request for a further one year extension can be supported.

SR:sr
Encl.0

GERSHOME No. 47



City of Hamilton

Location Plan For

"Battleridge Subdivision"

Planning and Development Department

Legend

Area of Plan of Subdivision

North	Scale	Reference File No.
	Not to Scale	25T-76024
	Date	Drawn By
	FEBRUARY, 1997	B. B.

B67

CITY OF HAMILTON

- RECOMMENDATION -

FEB 1 2 1997

DATE: 1997 February 7
ZAC-93-42
Thorner Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning for lands located at the rear of No. 1094 Upper Sherman Avenue.

THIRD REPORT

RECOMMENDATION:

That Zoning Application 93-42 by Ashok Kumar, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings in conjunction with lands to the west, for property located at the rear of No. 1094 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A":

(i) be lifted from the table;

(ii) City Council take no action on this zoning application; and,

(iii) staff of the Planning and Development Department be directed to close the file.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The applicant applied for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of No. 1094 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A".

The applicant intended to file a land severance application to permit development of the subject lands for two single-family dwellings, in conjunction with lands located to the west, fronting onto Parkwood Crescent (See Appendix "B").

At the May 25, 1994 and May 31, 1994 meetings of the Planning and Development Committee and City Council respectively, **approved** Zoning Application 93-42 as recommended.

At its meeting of June 28, 1994 City Council was in receipt of a letter dated June 13, 1994 from Ashok Kumar, owner, requesting a delay to the passing of the By-law for ZAC-93-42 for the property at the rear of 1094 Upper Sherman Avenue pending OMB decision on ZAC-93-43 for property at the front of 1094 Upper Sherman Avenue. In the event of an unsuccessful appeal of the requested rezoning for the front lands, it was the applicants concern that the existing legal non-conforming use of a gas bar would be compromised if the rezoning for the rear lands (i.e. ZAC-93-42) went forward. The matter was referred back to Planning and Development Committee.

At the July 20, 1994 meeting of the Planning and Development Committee it was resolved that the By-law for ZAC-93-42 be held in abeyance pending the OMB decision on ZAC-93-43.

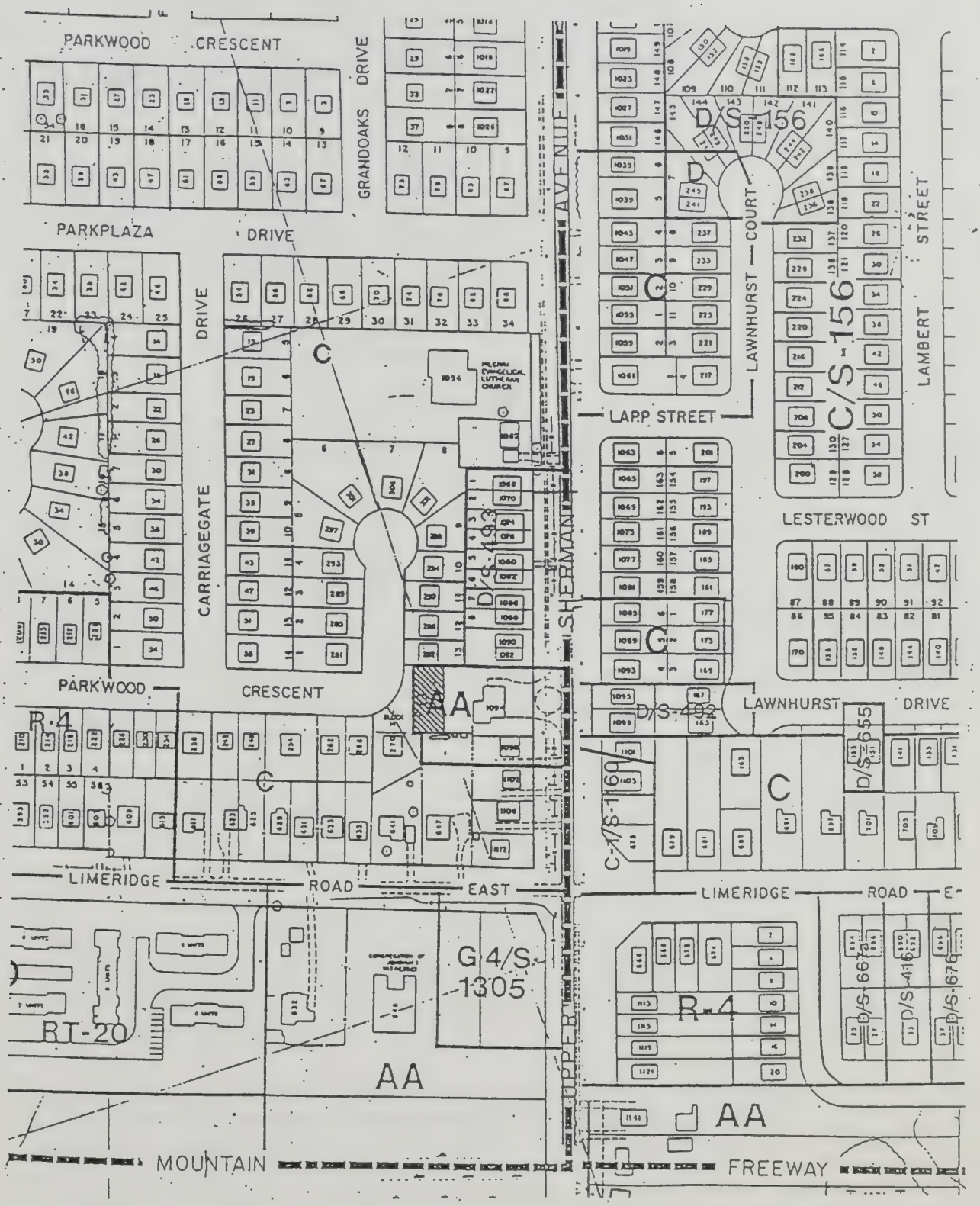
On September 30, 1996 the Ontario Municipal Board dismissed the applicants appeal regarding Zoning Application 93-43.

On October 16, 1996 a letter was sent to the applicant requesting his intentions regarding Zoning Application 93-42. To date no reply has been received.

CONCLUSION:

Based on the foregoing, the Zoning Application file ZAC-93-42 should be closed.

JL/jl
WPZAC9342



Legend

Site of the Application

ZAC - 93 - 42

APPENDIX A

PART 3 PLAN 62R-9854
PART 2 PLAN 62R-9854
PARKWOOD CRESCENT
N46°57'50"E
CH=9.15
RAD=20.00
ARC=9.25
N20°30'40"E
CH=9.15
RAD=20.00
ARC=9.25
PART 3 PLAN 62R-10942
PART 2 PLAN 62R-10942
M.SQ.PIN
AREA=372m²
PART 1 PLAN 62R-10942
AREA=+290m²
SUBJECT LANDS
ZAC-93-42
23.61 - N70°04'20"W
LOT 13 PLAN 62M-512
13.49
N18°11'40"E
11.21
N70°04'20"W
1.40
27.08
30.48 - N18°11'40"E
W
N
S
E
CONCESSION 6
LOT 8
AREA=1256m²
41.22 - N70°04'20"W
41.22 - N70°04'20"W
PART 2 PLAN 62R-8354
METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
SCALE 1:250
10 metres
NOVEMBER 29, 1993
30.48 - N18°11'40"E
5.18m WIDENING ACCORDING TO BY-LAW No. 8818, REGISTERED AS INSTRUMENT No. 281218W.
UPPER SHERMAN AVENUE
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 8 AND 9
REGIONAL ROAD No. 164

APPENDIX "B"

C.

CITY OF HAMILTON

- RECOMMENDATION -

FEB 1 3 1997

DATE: 1997 February 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: List of Vacant Heritage Buildings in Hamilton

RECOMMENDATION:

That the list of vacant heritage buildings in Hamilton attached hereto and marked as Appendix "A" be forwarded to the Director, Economic Development Department; the General Manager of Housing and Loans, Building Department; the Downtown Initiatives Committee; and, the Downtown Partnership in order to identify and target buildings of importance to Hamilton which are worthy of preservation and adaptive re-use but potentially endangered.

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

All of the buildings included on the attached list are listed on the City's Inventory of Buildings of Architecturally and/or Historically Significant Buildings; some are also Designated pursuant to the provisions of the Ontario Heritage Act and/or included on a list of Landmark Buildings in the Downtown Core.

The Local Architectural Conservation Advisory Committee at its meeting held 1997 January 13 agreed to send a copy of this list to the Planning and Development Committee for its information, in light of the recent initiatives respecting downtown revitalization.

attached

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department

Vacant Heritage Buildings in Hamilton
February 1997

EXPLANATORY NOTE:

All of the buildings listed below are on the *Inventory of Buildings of Architectural and/or Historical Interest* for the City of Hamilton; some are also designated under the Ontario Heritage Act* and/or included on a list of *Landmark Buildings in the Downtown Core***. The following list includes two *designated* buildings which are not vacant but which are for sale or potentially for sale. Names of property owners are taken from the current City of Hamilton assessment records.

A. BUILDINGS IN THE DOWNTOWN CORE

1. *CN Station**/**, 360 James Street North - vacant and for sale; owner: Canadian National Railway Co.

2. *Tivoli Theatre**/**, 108-112 James Street North; partly vacant and potentially for sale; owner: Sniderman Radio Sales & Service Ltd.

3. Lister Block**/**, 28-44 James Street North - vacant (with adjoining building at 15-21 King William Street); owner: 810322 Ontario Ltd., c/o Metrus Properties Ltd.

4. *19-31 King Street East (former Woolworth's* building) - vacant and for sale; owner: 848276 Ontario Inc.; The Aragon Group (owner of *The Right House/ Park Place*) has made a conditional offer on the property

5. 81 King Street East (n.w. corner of John Street North) - vacant and for sale; owner: Samuel Sniderman

6. *Treble Hall***, 6-12 John Street North - largely vacant and for sale (with adjoining building at 85-87 King Street East); owner: Sarah Wertman

7. *Century Theatre*, 12 Mary Street - vacant; owner: unknown

8. Victoria Hall**/**, 68 King Street East and the *MacKay Building*, 66 King Street East (adjoining buildings) - vacant; owner: Grail Investments Ltd.
   NOTE: Victoria Hall was declared a National Historic Site in 1995.

B. OTHER HERITAGE BUILDINGS

1. *Church of St. Thomas**, 16 West Ave. S. - vacant; former Anglican church closed in 1996; currently for sale by the Synod of the Diocese of Niagara

2. *St. Andrew's Church**, 109 Smith Ave. (originally *St. Andrew's Presbyterian Church*; most recently *St. Paul's Ecumenical Church*) - vacant; owner: Susan Fenwick (assessed as 384 Barton St. E.)

3. *St. Mark's Church**, 120 Bay Street South - vacant; former Anglican church now owned by the City of Hamilton

4. *Hamilton Conservatory of Music**, 126 James Street South - currently offices for social services agency, Alternatives for Youth; for sale; owner: A Y Alienated Youth of Canada

5. *Canadian Westinghouse Head Office Building**, 286 Sanford Avenue - vacant; owner: Westinghouse Canada Inc.

6. *Burlington Canal Lighthouse and Keeper's House**, 1159/ 1155 Beach Boulevard - vacant; owner: Public Works Canada

7. *Strathcona Fire Station*, 37-39 Strathcona Avenue North - vacant; owner: Hellenic Community of Hamilton and District

8. *Bellevue**, 14 Belvidere Avenue (single-family dwelling) - vacant; owner: Clair Sellens

9. 2717 King Street East (single-family dwelling) - vacant (early 19th century farmhouse built for United Empire Loyalist Samuel Nash); owner: Owen Jackson

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 February 13

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Secretary, LACAC re: Minutes of the meeting held 1997 JAnuary 13, dated 1997 February 10

(b) Director of Planning and Development re: Approved Site Plan Control Application, dated 1997 February 12

(c) Carl Turkstra re: Seminar Invitation to "Hamilton Streets and Downtown Revitalization, dated 1997 February 11

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1997

URBAN MUNICIPAL
MAR 3 1997
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 March 5
9:30 o'clock a.m.
Room 233, City Hall

Urban Municipal Collection
2nd Floor
Hamilton Public Library

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETING - 9:30 O'CLOCK A.M.

1. City Initiative 96-J, Parking Standards for Single Family Dwellings

2. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   Zoning Application 97-03, Removal of the Holding Provision for lands located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Avenue

3. **DIRECTOR OF PLANNING AND DEVELOPMENT/DIRECTOR OF PROPERTY/ CHIEF ADMINISTRATIVE OFFICER**

   411-413 Britannia Avenue

   a) Information Report - Director of Planning and Development/Chief Administrative Officer

   b) Tax Sale Property Ratko Radisic - Director of Property/Chief Administrative Officer

4. **DELEGATION**

   Provincial Restructuring of Social Housing Programs in Ontario

   a) Mary Kachurowski, Executive Director - Golden Horseshoe Co-Operative Housing Federation

b) Janice Lewis, Executive Director and Board President and Sacajawea Non-Profit Housing's Board President and Co-ordinator - U.N.H. Inc.

5. **CONSENT AGENDA**

6. **OTHER BUSINESS**

7. **ADJOURNMENT**

1

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 February 26
CI-96-J

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Review of Parking Standards for Single-Family Dwellings

RECOMMENDATION:

(a) That approval be given to City Initiative 96-J, for a general text amendment to Zoning By-law No. 6593 regarding the parking standards for single-family dwellings and associated technical definitions on the following basis:

(i) That Subsection 2.(2)J.(xxi) of Zoning By-law No. 6593 be amended by deleting the existing definition of ""storey, attic" or "storey, half"" and replacing it with the following:

(xxia) "**Storey, Attic**" shall mean the portion of a building situated wholly, or in part, within the roof and which is not a half-storey;

(xxib) "**Storey, Half**" shall mean the portion of a building situated wholly or in part within a sloping roof and in which:

a) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 m (7 feet, 7 inches) over a floor area equal to at least fifty percent of the area of the floor; or,

b) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.1 m (6 feet, 11 inches) over all of the area of the floor.

(ii) That Section 18A of Zoning By-law No. 6593 be amended by adding a new clause as (7A) as follows:

"Notwithstanding Subsection (7), for a single family dwelling where more than 1 parking space is provided in an attached garage, then an open stairway may project into the length of the required parking space not more than 0.75 metre provided that the height of the stairway does not exceed 0.5 metre."

(iii) That Section 18A of Zoning By-law No. 6593 be amended by adding a new clause as (7B) as follows:

"Where a dwelling is constructed with an attached garage, then the finished level of the garage floor must be set a minimum of 0.10 metres higher than the approved property/street line elevation, where the driveway grade on private property shall be established at a minimum 1% slope, not exceeding 7%, with the slope of the driveway draining away from the building. The approved property/street line shall mean 0.15 metres higher than the elevation of the centreline of the abutting roadway as approved by the road authority."

(iv) That Column 1 and Column 2 of Table 1 of Section 18A. of Zoning By-law No. 6593 be amended by deleting paragraph 1.(a) and replacing it with the following:

"1.	<u>Residential Use</u>	
(a)	Single Family Dwelling	2 parking spaces for each Class "A" dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room"

(v) That Subsection 18A.(10) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following:

"Except for single-family dwellings and two-family dwellings, sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space."

(vi) That Subsection 18A. of Zoning By-law No. 6593 be amended by adding a new clause as (14h) as follows:

"Notwithstanding any other provision in this by-law, the following shall apply to a single family dwelling with 8 habitable rooms or more:

(i) only 1 of the parking spaces may be located in the front yard on a driveway appurtenant to the dwelling, and

(ii) the required area for parking, manoeuvring and access in respect to the single family dwelling shall not occupy more than 50% of the gross area of the front yard, and

(iii) not less than 50% of the gross area of the front yard shall be landscaped."

(vii) That Subsection 18A.(32) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following:

"Sufficient space additional to required loading space shall be provided and maintained on the same lot on which the loading space is located, in such a manner as to enable each and every loading space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space."

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 respecting the parking standards for single-family dwellings with respect to the minimum number of required spaces per dwelling, establishing regulations regarding driveway grades and to revise associated definitions in the Zoning By-law.

The effect of the By-law is:

- to require a minimum 2 parking spaces, one of which only 1 may be provided in the front yard, for the first 8 habitable rooms in the dwelling unit plus 1 parking space for each additional 2 habitable rooms;

- to revise the existing definition of "storey, attic" or "storey, half" differentiate between on the basis as to whether or not they are habitable space in accordance with the Ontario Building Code;

- to revise the wording of the Zoning By-law to clarify the by-law requirements with respect to on-site manouvering space for loading and parking spaces;

- to require that if a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.1 metres above grade with a maximum driveway grade of 7.0%; and,

- to permit an open stairway to encroach into the length of the required parking space where more than 1 parking space is provided in an attached garage.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Planning and Development Committee, at their meeting of January 22, 1997, directed staff to hold a Public Meeting regarding the parking standards for single-family dwellings and associated technical definitions. This direction was in response to a staff report in which Planning and Development Department staff, in conjunction with Building Department and Traffic Division staff identified three areas for consideration and review regarding the parking provisions in the Zoning By-law. Specifically, the areas of concern are:

(i) the parking ratio of 1 space per single family dwelling may not be appropriate for large single family dwellings;

(ii) below grade parking/driveway grades which create safety concerns; and,

(iii) the existing parking/manouvering space requirements of the Zoning By-law should be clarified with respect to manouvering space.

A. Parking Ratio

The existing parking requirement (i.e. 1 space per dwelling unit) may not be appropriate for large single-family dwellings of more than four bedrooms, in particular, due to multiple car ownership. This causes an increased demand for on-street parking. In order to minimize the effects on the neighbourhood, the existing parking ratio should be reviewed.

The purpose of the existing parking provisions in the Zoning By-law are two-fold. First, by regulating the minimum number of parking spaces, it is the intent to ensure that adequate on-site parking is provided. Secondly, by regulating the maximum parking area, the provisions of the By-law are designed to limit the impact of vehicles on the lot and visual amenity of the street.

Based on discussions with staff from the Building Department and Traffic Division, several preliminary options have been identified. The options are:

- no change;
- establish a parking space per person ratio;
- establish a parking space per bedroom ratio; or,
- devise a parking space per floor area ratio.

In exploring the various options, it is important that the option chosen can be enforced and is related to the actual use of the land. In addition, any changes in the required parking should be sensitive to ensure that a revised standard does not create "residential parking lots" whereby the side or rear yards are paved to accommodate multiple parking spaces. The Zoning By-law does not permit stacked parking. As such, there could be pressure to utilize the entire rear yard for parking which could affect adjacent landowners.

Parking space per person ratio

A parking standard could be set based on the number of persons per household. However, this regulation would be difficult to administer in that the City would first have to determine the number of individuals that will be residing in a dwelling prior to determine the amount of required parking. In addition, the parking requirement would likely change as a result of a change in occupancy. As such, this is not considered to be a practical option in terms of day-to-day administration and enforcement.

Parking space per floor area ratio

The Zoning By-law currently utilizes a variety of mechanisms to arrive at the minimum number of required parking spaces. For commercial uses, parking is based on gross floor area whereas the required parking for lodging houses/residential care facilities is based on the occupancy of

the building.

The City of London, in response to development pressures around the University of Western Ontario, incorporated a parking standard based on the habitable floor area in their "monster home" by-law. The by-law establishes a parking ratio of one space per 100 m^2 (1,075 sq.ft.) of floor area.

With the exception of the Ainslie Woods and the Westdale Neighbourhoods, single detached dwellings are not regulated with respect to gross floor area. Whereas a gross floor area mechanism is appropriate for regulating the height, bulk and mass of new construction within established neighbourhoods, a GFA ratio for parking could be problematic given that the number of rooms may not be directly linked to the size of the dwelling. For example, a 1,400 ft^2 2 storey dwelling may contain 3 bedrooms whereas a 2,000 ft^2 bungalow may only contain 2 bedrooms.

Parking space per bedroom ratio

Under this option, the number of required parking spaces is linked to the number of bedrooms in a dwelling. This approach is utilized by the City of Cambridge. The City of Cambridge requires 1 parking space for the first 4 bedrooms and then 1 additional space for each 2 additional bedrooms (ie a 4 bedroom house would require 1 space whereas a 6 bedroom house would require 2 spaces). This form of regulation would require a clear definition of bedroom given that the Building Code does not provide a clear definition of bedroom relative to other rooms.

As previously noted, it is important that a parking standard can be enforced and is related to the actual use of the land. A parking ratio based on the number of bedrooms could be difficult to enforce in that applicants could label rooms for other uses (eg studio, computer room, TV room, etc.) on their building plans to avoid providing additional parking. To resolve this problem, the parking ratio could be based on the number of rooms per dwelling. Additional on-site parking would be required if the number of rooms proposed exceeded a pre-defined threshold level.

Based on discussions with the Building Department and the Hamilton Home Builders Association, the typical new dwelling contains a kitchen, living room/dining room, family room, 3 bedrooms and 2 bathrooms for a total of 8 rooms in addition to a basement/cellar. Where additional rooms are proposed, then additional parking could be required at a ratio of 1 additional on-site parking space for every additional 2 rooms (or 0.5 spaces per room).

In order to provide flexibility for proponents of new residential construction with respect to the type and nature of rooms within a dwelling, the number or rooms within a dwelling could be calculated based on the definition of "habitable room" in the By-law. Rooms which are not used for extended periods of time (eg bathroom, laundry room) are not considered to be a habitable room. Based on the existing definition, then the room count would be restricted to rooms such

as a kitchen, living room, dining room, family room, or bedroom.

In order to facilitate this option, it is necessary to revise the definition of "Storey, Attic" and "Storey, Half" in the Zoning By-law. This is clarify as to whether or not the attic area should be included in the calculation of the number of rooms. By differentiating between the two based on whether or not the space is suitable for human habitation in accordance with the Building Code. Habitable space within the attic would be included in determining the amount of required parking.

Preferred Option - Parking Ratio Based on Number of Rooms Per Dwelling

On the basis of the forgoing, the preferred option is to establish a parking ratio based on the total number of rooms within a single family dwelling. The ratio should be based on the habitable rooms within a dwelling (eg bedroom but excluding a bathroom). In addition, it will be necessary to differentiate between "storey attic" and "storey, half".

B. Driveway Grades

The Traffic Division has requested Planning and Development Department staff to review the Zoning By-law to regulate the grade of driveways. There have been cases where due to the steep grade of the driveways, visibility has been impaired when attempting to back out of the driveway. It is noted that through the subdivision process, the grades of one, two and three family dwellings is limited to 7 percent. In addition, the subdivision/grading agreements require that the finished level of the garage be 0.3 metres above the elevation of the back of the sidewalk. However, existing lots of record are exempt from these controls.

The Traffic Division has advised that when dwellings are constructed with below grade parking there is often pressure to convert the garage into living space and fill in the driveway. This occurs where the garage is approximately 2.0 m below grade with a 6.0 m driveway resulting in a 1:3 slope. In addition, the conversion of the garage into additional living area or into an accessory apartment results in a 50% reduction in the number of on-site parking spaces. This can result in on-street parking congestion. As a result, there is pressure to use the front yard for parking and to reduce the amount of front yard landscaping. This phenomenon is further compounded when there is pressure to accommodate 2 or more vehicles on site. When the Housing Intensification Study was undertaken, the single most contentious issue was uncontrolled front yard parking which resulted in the loss of trees and greenspace in residential areas. The parking and landscaping requirements of the Zoning By-law are intended to maintain the residential character of the streetscape and to ensure that adequate off-street parking is provided.

In those circumstances whereby the size of the lot and the proposed dwelling design restricts the ability of the proponent to provide adequate on-site parking, then an application could be made to the Committee of Adjustment. This would provide for a detailed review of the proposed driveway grades in order to minimize potential vehicular manouvering problems.

C. Manouvering Space

For all new single-family dwellings, the Zoning By-law requires the provision of one 6.0 m parking space and associated manouvering must be provided. In laymen's terms, the effect of the by-law is to require 2 on-site parking spaces. However, where the conversion of the garage into additional living area or into an accessory apartment occurs, the required manouvering space is eliminated and the required parking may be provided in the front yard. The Ontario Municipal Board has recently approved a number of minor variance appeals to eliminate the manouvering space and provide the required parking in the front yard. The OMB, in their decisions, have indicated the applicants are still providing the required parking space. However, the effect of these conversions is a 50% reduction in the number of on-site parking spaces. This can result in on-street parking congestion.

Planning and Development Department staff contacted the adjacent municipalities to ascertain how they deal with the issue of required parking, manouvering space and driveways (see APPENDIX "A").

The intent of the By-law is to provide for adequate on-site parking while still maintaining the residential character of the streetscape. Given that the manouvering space is in effect a parking space, then it is appropriate that the provisions of the By-law be clarified to require two on-site parking spaces, one of which could be permitted in the front yard of the dwelling.

PLANNING COMMENTS:

1. The proposed changes comply with the intent of the Official Plan.

2. As part of the background research, Planning and Development Department staff and Building Department staff met with a representative from the Hamilton Home Builders Association (HHBA) to discuss development trends and the various options for revising the parking standards in the Zoning By-law. The HHBA indicated that generally the design of new single detached dwellings are in keeping with the proposed changes to the Zoning By-law.

   Based on a review of the initial staff report, the HHBA have advised as follows:

   - the requirement that garages be 0.30 m above grade is generally supportable subject to consideration be given to those situations whereby the grade permits a "walk out basement". The HHBA is concerned that in these circumstances the required parking may be considered to be below grade; and

   - the HHBA support staff's comments that the issue of required parking/manouvering space should be clarified.

The HHBA have no objection to the amending the Zoning By-law whereby one additional on-site parking space per 2 bedrooms would be required where more than 4 bedrooms are proposed. As previously noted, because it may be difficult to define what constitutes a bedroom, the parking requirement should be based on the number of habitable rooms in a dwelling.

3. In addition, the HHBA have requested that consideration be given to permitting projections into the required parking area where said parking is accommodated in an attached garage. This is to permit stairs to encroach into the parking area where access is provided from the garage to the dwelling but the final grades require 2 or 3 stairs to be provided. The HHBA suggested that a maximum encroachment of 1.0 m be considered.

4. Based on a review of the existing provisions of the Zoning By-law and the aforementioned options, the Zoning By-law should be revised with respect to the parking standards for single family dwellings. As such, the following changes to Zoning By-law No. 6593 are required:

- for every single family dwelling, a minimum 2 parking spaces shall be required, of which only 1 may be provided in the front yard, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room;

- the above change clarifies that the manouvering space in the 6.0 m front yard setback is utilized and functions as a second parking space. The above change renames the manouvering space as a parking space and allows for one space to be provided in the front yard;

- the existing definition of "storey, attic" or "storey, half" should be replaced with the following definitions:

  "storey, attic" shall mean the portion of a building situated wholly, or in part, within the roof and which is not a half-storey;

  "storey, half" shall mean the portion of a building situated wholly or in part within a slopping roof and in which:

  a) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 m (7 feet, 7 inches) over a floor area equal to at least fifty percent of the area of the floor; or,

  b) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.1 m (6 feet, 11 inches) over all of the area of the floor.

- where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.1 metres above grade with a maximum driveway grade of 7.0%; and,

- where more than 1 parking space is provided in an attached garage, then an open stairway may project into the length of the required parking space not more than 0.75 metre.

5. The request by the HHBA to permit the encroachment of stairs into the garage has merit. However, rather than the 1.0m encroachment, a 0.75 m encroachment is considered to be more appropriate. The Building Code requires a minimum tread width of 23.5 cm. Therefore, a 0.75 m encroachment would accommodate 3 steps from the garage floor into the dwelling. The encroachment should be restricted to the length of the parking space (ie from 6.0 m to 5.25 m) and to ensure that the parking space is useable, a maximum height restriction on the encroachment should be utilized.

6. This report has been prepared in consultation with the Building Department and the Traffic Division, Department of Public Works and Traffic. The Building Department has advised that except for those dwellings constructed prior to the on-site parking requirement, the proposed revisions to the Zoning By-law could comply with the proposed changes. Those dwellings with no on-site parking are generally legal non-conforming in that they were constructed prior to the passage of the Zoning By-law (ie prior to 1951).

   In those instances where dwellings were constructed with below grade garage or can only accommodate one on-site parking space, then these dwellings would become legal non-conforming. Where renovation of the dwelling or an addition to the dwelling is proposed, the legal non-conforming status of the parking area would be maintained unless the proposed construction involved the parking area or there was an increase in the number of rooms within the habitable area. An increase in habitable area (ie an addition to the kitchen) would not necessitate the need to provide additional on-site parking unless there was an increase in the number of rooms. If the number of rooms, both existing and proposed, exceeded 8 rooms then additional on-site parking would be required. If it is not possible to accommodate the additional on-site parking then the proponent could apply for a rezoning or seek relief from the provisions of the zoning by-law by applying to the Committee of Adjustment.

CONCLUSION:

On the basis of the foregoing, City Initiative 96-J can be supported.

SR/sr
CI-96-J.V5

APPENDIX "A" - Required Parking for Single Detached Dwellings

Municipality	Required Parking	Parking Space Dimensions
Ancaster	2 required parking spaces per single detached dwelling. 1 space permitted on a private driveway appurtenant to the dwelling.	2.6 m wide x 5.5 m long
Dundas	1 required parking space per single detached dwelling. Required parking not permitted in the required front yard, except for the access driveway leading to the required parking space.	2.7 m wide x 6.0 m long
Flamborough	1 required parking space per single detached dwelling. Driveway within the required front yard may be used to provide parking supplementary to the required parking.	2.6 m wide x 5.8 m long.
Glanbrook	2 required parking spaces per single detached dwelling. 1 space permitted in the front yard. Tandem parking permitted.	3.0 m wide x 6.0 m long
Stoney Creek	2 required parking spaces per single detached dwelling. 1 space permitted in the front yard. Tandem parking permitted.	2.75 m wide x 5.8 m long. Parking space within a garage must be 3.0 m wide x 6.0 m long.
Hamilton	1 required parking space per dwelling. No parking permitted in the front yard.	2.7 m wide by 6.0 m long.

2

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1997 February 25 ZAR-97-03 Gourley Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	V.J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Request for removal of the 'H' (Holding) Symbol - Lands west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street.

RECOMMENDATIONS:

(a) That approval be given to Zoning Application 97-03, Mike & Gus Holdings Ltd., owners, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for single detached dwellings through plan of subdivision, for lands located in the area west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street, as shown on the attached map marked as APPENDIX "A";

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593, as amended by By-Law No. 90-351, for presentation to City Council.

EXPLANATORY NOTE:

The purpose of this By-law is to remove the 'H' (Holding) symbol, for lands located in the area west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street, as shown on the attached map marked as APPENDIX "A". The 'H' (Holding) provision was placed on the lands until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth.

Upon removal of the holding provision, the effect of the By-law is to permit the development of the subject lands in conjunction with the lands to the north and south, for single detached dwellings.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- By-law No. 96-170

  On October 8, 1996, City Council passed By-law 96-170 which changed the zoning of the subject lands from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District. The effect of the By-law was to permit the development of the subject lands for single detached dwellings. The 'H' (Holding) symbol was placed on the subject lands to ensure that development of the subject lands proceeded by way of a plan of subdivision.

- Subdivision Application (SA-96-03)

  City Council, at its meeting of December 10, 1996, recommended approval of Subdivision Application SA-96-03 ("Orchards North Addition"). The subdivision is for 6 lots for single detached dwellings, 18 blocks to be developed in conjunction with the adjacent lands and to establish the extension of Annabelle Street and Chesley Street. The subdivision was draft approved on January 14, 1997.

  As a condition of draft plan approval, the proposed plan of subdivision is not to be registered until, among other conditions, the holding provision in the Zoning By-law has been removed. In addition, registration of the draft plan is contingent upon either the adjacent lands to the south being developed or the owner acquiring the necessary easements on the adjacent lands and providing sewers and watermains external to the plan.

COMMENTS RECEIVED:

The Regional Environment Department has advised that:

"The Draft Plan of Subdivision for the above noted lands has been approved. As a condition of draft plan approval, development of the subject lands are not allowed until such time as the adjacent lands are registered, or alternatively that the owner of the subject lands acquires the necessary easements on the adjacent lands and provides sewers and watermains. We have no reservations with respect to lifting the "H" holding provision at this time.

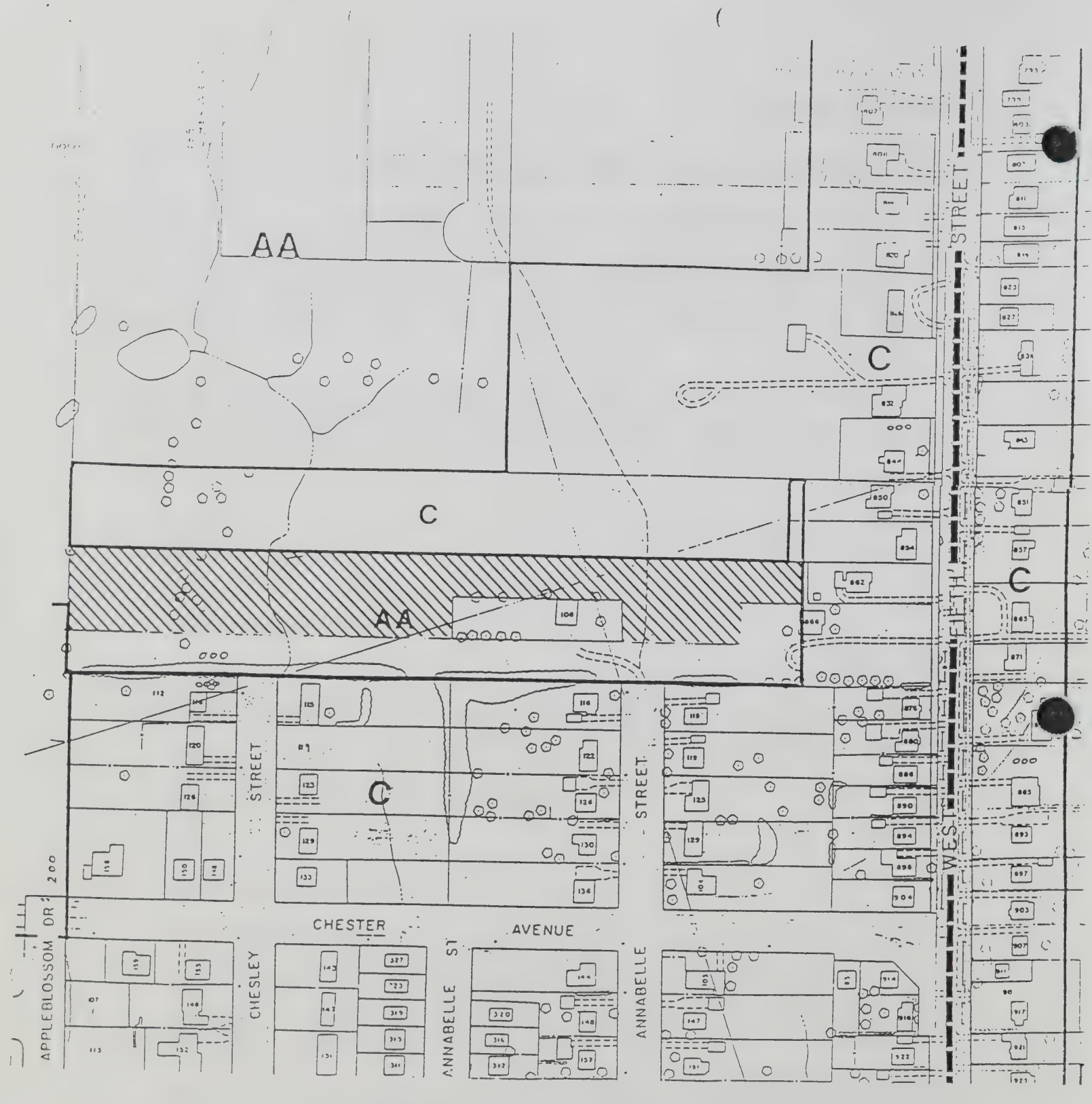
It should be noted that the owner of the subject lands is required to enter into a Subdivision Agreement with the Region of Hamilton-Wentworth prior to the development of any porion of these lands to satisfy all requirements, financial and otherwise of the Region.

The Region's Transportation Department, Roads Division have no comment with respect to this application."

CONCLUSION:

On the basis that the condition of the Holding symbol has been satisfied, it is appropriate to remove the 'H' (Holding) symbol from the above property.

SR/sr
97-03



Legend

Site of the Application

APPENDIX "A"

3a

CITY OF HAMILTON

- INFORMATION -

DATE: 1997 February 27
(Homeside Neighbourhood)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.,
Director of Planning

J.G. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: 411-413 Britannia Avenue

BACKGROUND:

This report outlines the potential land use options for the site, as requested by Alderman Copps and Joe Pavelka.

The subject lands came into the City's ownership as a result of tax arrears. The prospective owner made an application to the Committee of Adjustment for the variances to the "H" (Community Shopping and Commercial, etc.) District regulations, to continue to maintain the one dwelling in conjunction with the existing commercial building. The Planning and Development Department supported the required variances (lot area, width, setback, etc). The prospective owner intends to live there and operate a small printing business within the existing building.

- Planning Documents Applicable to the Subject Lands

  The site is designated RESIDENTIAL in the Official Plan; Commercial in the approved Homeside Neighbourhood Plan and zoned "H" (Community Shopping and Commercial, etc.) District. The RESIDENTIAL designation in the Official Plan permits local commercial uses, provided the site is less than 0.4 ha in size.

  The site is a corner lot with 7.62 m of frontage on Weir Street and 30. 6m on Britannia Avenue. The existing building covers most of the site.

LAND USE OPTIONS

1) Status Quo

The status quo option would retain the existing designations and zoning for the property. The Homeside Neighbourhood, which was approved by City Council in 1981, recognized the commercial use of the site. The surrounding lands were rezoned from "H" (Community Shopping and Commercial, etc) District to "C" (Urban Protected Residential, etc.) District by By-law 83-226; however, this property retained the "H" zoning. This would allow for the residential/commercial uses, provided the variances are approved.

2) Rezone/Redesignate the lands from Commercial to Residential

This option involves the redesignation of the site from commercial to residential in the Homeside Neighbourhood Plan and to rezone the lands to "C" (Urban Protected Residential, etc.) District.

The site is a substandard building lot; however, it is similar to other single-family dwelling lots in the area. The "C" District requires a lot frontage of 12m whereas the existing lot has a frontage of 7.6 m; a lot area of 360 m^2 is required, whereas 232.71 m^2 exists. As such, modifications to the "C" zone would be required to recognize the existing lot size.

3) Rezone/redesignate the lands to residential but allow the proposed use of the lands for the printing shop in conjunction with the dwelling unit

This option would allow for rezoning of the lands for residential purposes but allow the prospective owner to use the premises for the printing business.

The small printing business would be located within the existing building and the prospective owner would live in the dwelling.

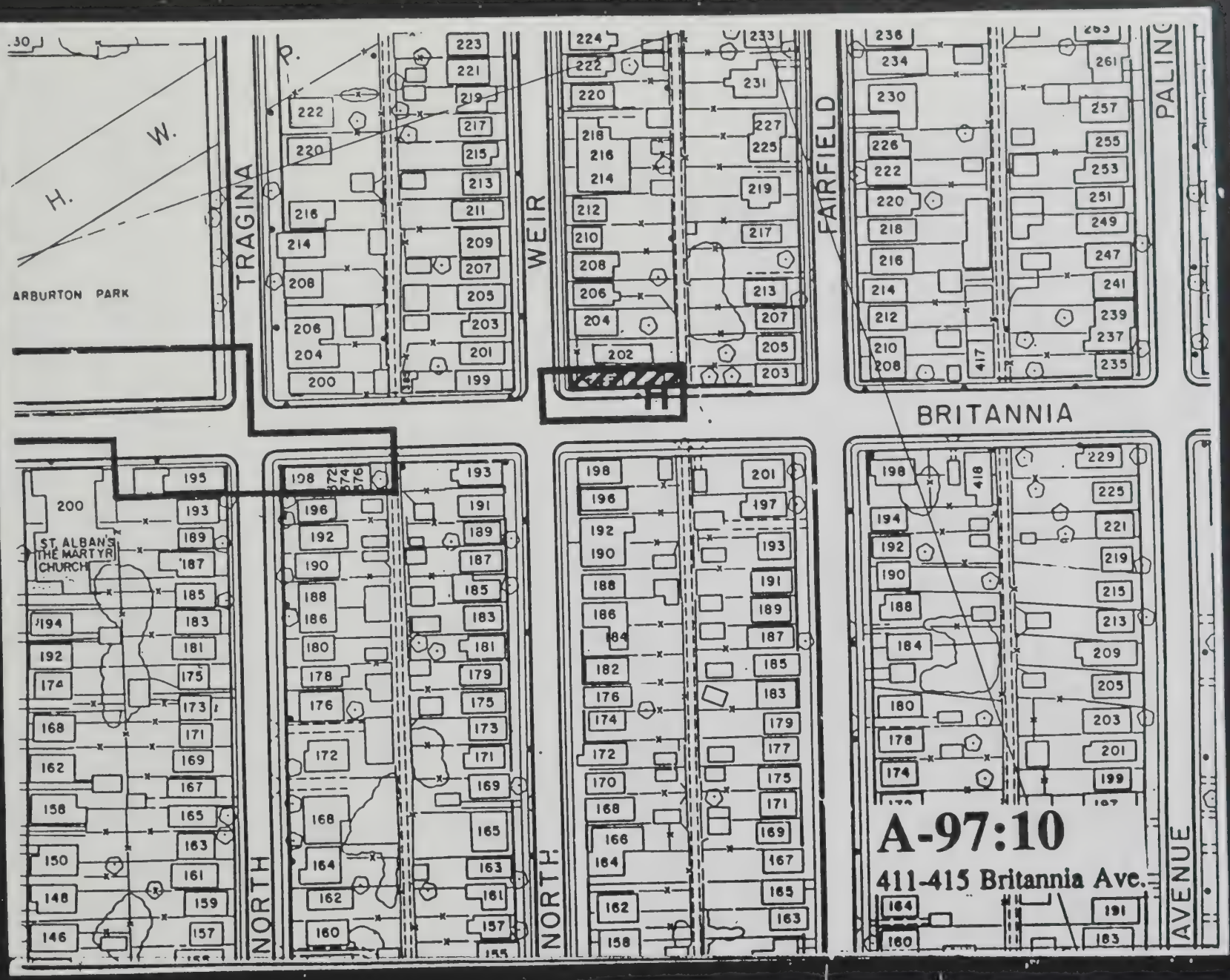
CONCLUSION:

The Department's preference is to leave the existing zoning and designation as commercial. The Neighbourhood Plan recognized this commercial use. Based on older documentation, these lands were zoned "H" in 1950 and have retained this zoning since that time.

Britannia Avenue is a busy road since it is the extension of Cannon Street East and therefore, the use of this small property for residential is inappropriate. From the land use planning perspective, the use of the property for the printing business in conjunction with the residential use is also considered appropriate.

However, should the Planning and Development Committee wish to rezone and redesignate the lands from commercial to residential, the zoning change would be processed in accordance with the provisions of the Planning Act.

JHE
n:jhe\britan.nia


TRAGINA
WEIR
FAIRFIELD
BRITANNIA
NORTH
NORTH
AVENUE
ARBURTON PARK
ST. ALBAN'S THE MARTYR CHURCH
A-97:10
411-415 Britannia Ave.

3b

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 February 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. G. Pavelka, P.Eng
Chief Administrative Officer

D. W. Vyce
Director of Property

SUBJECT: 411 - 413 Britannia Avenue - Tax Sale Property
Ratko Radisic

RECOMMENDATION:

(a) That the City of Hamilton proceed to complete the sale of 411 - 413 Britannia Avenue to Ratko Radisic for the sum of $30,000. as approved by City Council on 1996 December 10 (Item 13 of the 20th Report of the Finance and Administration Committee); and,

(b) That the Property Department be authorized to reapply to the Committee of Adjustment for the required variances to allow the residential use to continue on this site.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The proceeds of the sale $30,000. are to be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases). The realty taxes generated by the existing use is $3,121.

If the site was demolished, it would cost the City approximately $5,000. and the rezoning application to zone this site from "H" to "C" would cost $1,800. The market value of this site as a residential lot would be approximately $15,000. to $20,000. which would generate a realty tax for a new single family dwelling of approximately $1,000. per year.

BACKGROUND:

Due to non-payment of taxes, a Tax Arrears Certificate was registered against the lands on 1991 February 11. As no bids were received at tax sale, the property vested in the City on 1995 June 6 pursuant to the registration of a Notice of Vesting as Instrument No. VM211067. The outstanding taxes as of 1995 May 30 was $47,777.35.

The property was offered for sale on the open market on 1996 December 10, City cancel authorized a sale to Ratko Radisic for the sum of $30,000.

Subsequent to City Council endorsing the sale to Mr. Radisic, his lawyer obtained a zoning verification from the Building Department in order to verify their client's intended use (print shop and residence). The property is zoned "H" - Commercial. They were advised that the commercial use was satisfactory; however, because the existing structure occupies almost the entire site, the setbacks do not conform. A variance from the Committee of Adjustment would be required, notwithstanding the building, both store and residence has been in existence for many, many, years.

In order to expedite matters so that the sale could be completed as soon as possible, our department initiated an application to the Committee of Adjustment for the required variance.

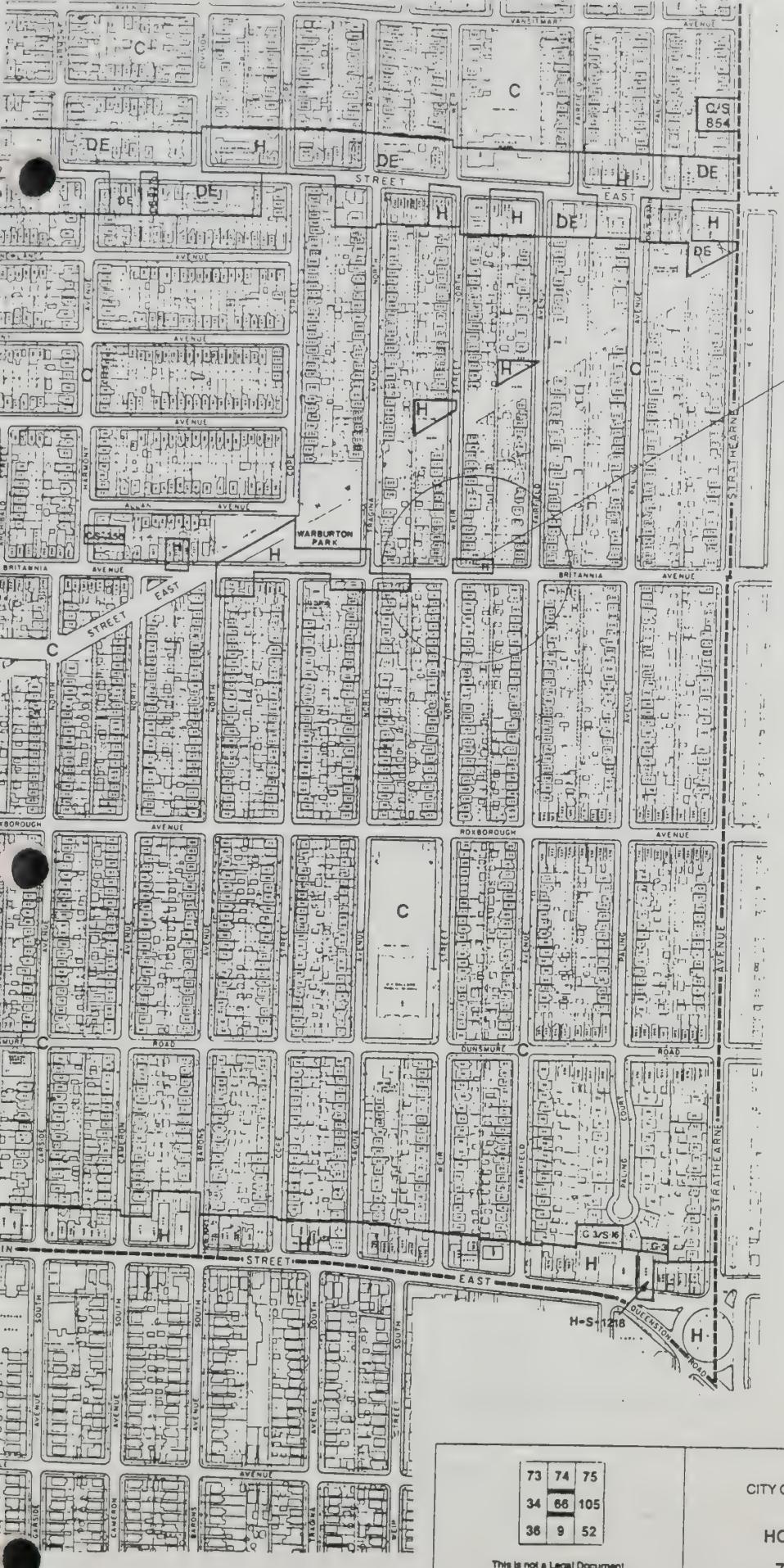
The Committee of Adjustment was scheduled to hear our application on 1997 February 5. On 1997 February 4, we were called to a meeting with Alderman Copps and Joe Pavelka and instructed to withdraw our application to the Committee of Adjustment in order that the Planning and Development Committee could receive a report from the Planning Department which would address possible alternative uses for the site (residential as opposed to Commercial).

Mr. Pavelka has requested that a report be prepared from our department and the Planning Department to explain our views on the matter. The aforesaid recommendations from our department supports a business case scenario whereby the existing combined use as Commercial/Residential would achieve a better financial return for the City.

The purchaser's solicitor, in concert with the Law Department, has extended the closing date until 1997 March 18 to allow time for the Planning and Development Committee to consider the options.

MCJW/hew

c.c. Alderman G. Copps, Alderman, Ward 4
A. Ross, Treasurer, Treasury Department
P. Noé Johnson, City Solicitor, Law Department



73	74	75
34	66	105
36	9	52

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

HOMESIDE

ZONING

Neighbourhood Boundary

Zoning Boundary.

0 50m 100m

SCALE

NORTH

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO 6509

PAGE NO 66

4a

Golden Horseshoe Co-operative Housing Federation

42 Keefer Court, Unit 4B, Ham
(905) 561-2667 • Fax: (905) 561

Janua.y 31, 1997

Attn: Tina Agnello
Legislative Assistant

Faxed: Page 1 of 1, (905) 546-2095

Dear Ms Agnello:

After a meeting with Mayor R. Morrow, and his Executive Assistant, Terry Whitehead, on January 30, I am writing to ask you for assistance.

My organisation would like to make a presentation to the Planning and Development Committee of the Region at their meeting scheduled for February 5, 1997.

We would be asking the Committee to support our opposition to the Federal Government's current negotiations to devolve social housing programs to the Province, and the Province's stated desire to devolve social housing responsibilities to the municipalities.

Thank you for your help and assistance.

Co-operatively,

Mary Kachurowski
Executive Manager

Golden Horseshoe Co-operative Housing Federation

cc: Mayor Robert Morrow
Terry Whitehead

/mk

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 199 7 Feb 19.

U.N.H. Inc.
25 HUGHSON ST. S.
SUITE 205
HAMILTON, ONTARIO
L8N 2A5
(905) 525-1768
FAX (905) 525-2538

46

INC

Mayor Robert M. Morrow
c/o City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

February 4, 1997

Re: Transfer of Urban Native Programs to the Provincial Government

Dear: Honourable Mayor

With the "Mega Week" announcements U.N.H. Incorporated was made aware of the "restructuring" of Social Housing in Ontario. As an Urban Native Housing program we are gravely concerned about these changes. Not only will this affect the Kenatah complex (52 units), the Federal government is also in negotiations to transfer the Urban Native Program to the Province.

Enclosed are copies of letters Native non-profit/co-operative housing groups (Ontario) have sent to various people. These letters are part of the initiative taken by the Native Home Providers in Ontario Incorporated (NHPO). NHPO is a Board of representatives of all Native Non-Profit/Co-Op Housing groups in Ontario.

I would like to request a meeting with your Worship and U.N.H. Incorporated's Board President, Myself, and Sacajawea Non-Profit Housing's Board President and Co-Ordinator to discuss the repercussions of these changes. Please contact me at ***(905) 525-1768*** to arrange for a meeting, at your earliest convenience.

I look forward to meeting with you and thank you for your consideration in this very serious matter.

Sincerely,

Janice Lewis
Executive Director
U.N.H. Incorporated

U.N.H. Inc.
25 HUGHSON ST. S.
SUITE 205
HAMILTON, ONTARIO
L8N 2A5
(905) 525-1768
FAX (905) 525-2538

Six Nations of the Grand River
P.O. Box 5000
Ohsweken, Ontario
N0A 1M0

February 4, 1997

Attention: Chief and Council Members

Re: Transfer of Urban Native Housing Program to Province

The Federal Government is currently responsible for administering the Urban Native Housing program initiated under Section 56.1 and 95 of the National Housing Act. The Federal Government's agent, Canada Mortgage and Housing Corporation (C.M.H.C.) is directly responsible for overseeing the Urban Native Housing program. Unfortunately, this may change in the not-too-distant future.
The Federal Government is attempting to "down-load" this responsibility to the Ontario Provincial Government who, in turn, plan to give the responsibility of administering the rental homes to the municipalities. This is cause for much concern.

The Federal Government is increasingly insisting that it must provide resources and assistance only to those First Nations person actually residing on First Nations lands. If successful, this ploy to incite division amongst our peoples will eventually result in an erosion of Federal responsibilities in many areas regarding Native persons living "off-reserve" not just in areas involving housing. Although we certainly agree that resources must be provided to Bands, we contend that the Federal Government also has a *constitutional obligation* to assist all persons of Native ancestry regardless of where they live.

We strongly feel that a transfer of the Urban Native Housing program to provincial jurisdiction will result in the deterioration and untimely, the loss of good quality housing stock for Native families, Elders and individuals in our area and across Ontario.

For many years our corporation has provided good quality, affordable housing to numerous Native families, Elders and individuals from many local and distant First Nations. Housing has been provided to students (and their families) attending school and to those families who relocated to this area for employment, medical or other reasons.

..../2

This letter is being sent to Chiefs and Councils urging each First Nation to write the Federal Government expressing opposition of the transfer of responsibility for the Urban Native Housing program from Federal to Provincial control. Letters may be forwarded directly to the:

Honourable Diane Marleau
Minister of Public Works and Government Services Canada
36 Elgin Street
Sudbury, Ontario
P3C 5B4

No stamp is required for postage to the Honourable Member.

Deferring action in this matter will jeopardize the availability of decent, affordable housing for Native families, Elders and individuals residing in our area and across Ontario. We need your support to help preserve this very important resource and would appreciate receiving a copy of your response to this issue for our files.

Nya:Weh

Sincerely,

Constance Bellamy
Board President
U.N.H. Incorporated

cc: Mayor Bob Morrow
Honourable Sheila Copps

U.N.H. Inc.
25 HUGHSON ST. S.
SUITE 205
HAMILTON, ONTARIO
L8N 2A5
(905) 525-1768
FAX (905) 525-2538

New Credit Development Corporation
R.R. #6
Hagersville, Ontario
N0A 1H0

February 4, 1997

Attention: Chief and Council Members

Re: Transfer of Urban Native Housing Program to Province

The Federal Government is currently responsible for administering the Urban Native Housing program initiated under Section 56.1 and 95 of the National Housing Act. The Federal Government's agent, Canada Mortgage and Housing Corporation (C.M.H.C.) is directly responsible for overseeing the Urban Native Housing program. Unfortunately, this may change in the not-too-distant future.

The Federal Government is attempting to "down-load" this responsibility to the Ontario Provincial Government who, in turn, plan to give the responsibility of administering the rental homes to the municipalities. This is cause for much concern.

The Federal Government is increasingly insisting that it must provide resources and assistance only to those First Nations person actually residing on First Nations lands. If successful, this ploy to incite division amongst our peoples will eventually result in an erosion of Federal responsibilities in many areas regarding Native persons living "off-reserve" not just in areas involving housing. Although we certainly agree that resources must be provided to Bands, we contend that the Federal Government also has a *constitutional obligation* to assist all persons of Native ancestry regardless of where they live.

We strongly feel that a transfer of the Urban Native Housing program to provincial jurisdiction will result in the deterioration and untimely, the loss of good quality housing stock for Native families, Elders and individuals in our area and across Ontario.

For many years our corporation has provided good quality, affordable housing to numerous Native families, Elders and individuals from many local and distant First Nations. Housing has been provided to students (and their families) attending school and to those families who relocated to this area for employment, medical or other reasons.

...../2

This letter is being sent to Chiefs and Councils urging each First Nation to write the Federal Government expressing opposition of the transfer of responsibility for the Urban Native Housing program from Federal to Provincial control. Letters may be forwarded directly to the:

Honourable Diane Marleau
Minister of Public Works and Government Services Canada
36 Elgin Street
Sudbury, Ontario
P3C 5B4

No stamp is required for postage to the Honourable Member.

Deferring action in this matter will jeopardize the availability of decent, affordable housing for Native families, Elders and individuals residing in our area and across Ontario. We need your support to help preserve this very important resource and would appreciate receiving a copy of your response to this issue for our files.

Meegwetch.

Sincerely,

Constance Bellamy
Board President
U.N.H. Incorporated

cc: Mayor Bob Morrow
Honourable Sheila Copps

Niagara Peninsula Urban Native Housing Corporations
c/o Brantford Native Housing
318 ½ Colborne Street
BRANTFORD, Ontario
N3S 3M9

January 24, 1997

Six Nations Council
P.O. Box 5000
OHSWEKEN, Ontario
N0A 1M0

Dear Six Nations Council:

RE: URBAN NATIVE HOUSING PROGRAM

The Federal Government has entered into discussions with the Ontario Provincial Government to assess the feasibility of transferring responsibility for the administration of established Federally-initiated not-for-profit housing programs to the latter. We are confident that once you consider the history of the program, the valuable service provided, and the ramifications of any transfer, you will be convinced that administration of the Urban Native Housing initiative must be left to the Federal Government.

Native families, Elders, and individuals routinely face discrimination when searching for a place to live in our urban centres. Unfortunately, many landlords fail to see through negative stereotypes fostered over generations and refuse to rent decent housing to Native peoples. As a result, persons of Native ancestry frequently end up living in overcrowded substandard dwellings in poor environments which present serious safety and health risks.

Several decades ago, the Federal Government acknowledged the need to assist First Nation peoples living within urban centres to obtain decent, affordable and safe housing. Recognizing its historic commitment to the indigenous peoples of Canada, the Federal Government enacted the Urban Native Housing component of Section 56.1 (and subsequently Section 95) of the National Housing Act. The sections of the National Housing Act addressed the concern by allowing grass roots organizations the opportunity to provide good quality, safe housing for Native families, Elders and individuals in their communities. In order to assure that housing was provided to the proper target group, a stipulation was entrenched into the funding agreements requiring at least 50% of any given household be of Native ancestry as a condition to receiving a full subsidy under the program.

Sponsor groups in many different urban centres took the initiative to purchase, construct and manage housing units earmarked specifically for persons of Status, Non-Status, Metis and Inuit ancestry. Over the years each group established varied portfolios of good quality homes and apartments available for rent to Native persons. The portfolios, some mixtures of detached, semidetached, duplex and small apartment buildings or townhouse developments, are generally scattered throughout the urban centres.

January 24, 1997

Obviously, the program has helped to lessen discrimination barriers which so many Native persons face when searching for a home. Not so obvious, however, is the way in which the program helps to alleviate stereotypical attitudes prevalent within society by allowing non-Native persons living in good areas of urban centres the opportunity to have persons of Native ancestry as neighbours, to form bonds and friendships, and to gain an understanding and appreciation of Native culture.

In addition, the affordability of homes made available through the Urban Native Housing program allow tenants to reside in units suited to their family sizes, and provided geared-to-income rents adjustable to income fluctuations. Tenants also benefit from regularly maintained units and safer environments in which to live. Many make the most of this opportunity by upgrading their skills at college or university.

Somewhat unique to the landlord/tenant relationship, larger sponsor groups are provided funding under the program for Native Tenant Counsellors. The Counsellors help tenants with problems or concerns, refer them to services available within the community, and provide other assistance as required.

Over the years the Federal Government has nurtured an excellent rapport with many groups through its agent, Canada Mortgage and Housing Corporation. CMHC has demonstrated its commitment to a well-run Urban Native Housing program by providing support (both administrative and technical) as well as reasonable budgets which permit the sponsor groups to ensure good management of the projects and maintenance of the housing stock. CMHC also sponsors annual Urban Native Housing Workshops to help train sponsor groups and keep them up-to-date on program criteria.

All of these positive aspects of the Urban Native Housing program would be placed in serious jeopardy--perhaps even lost completely--if the Conservative Government of Ontario is assigned responsibility for its delivery.

The Government of Premier Harris has consistently demonstrated that it is simply not interested in low income housing stock. After being elected, the Ontario Government promptly cancelled many non-profit housing projects scheduled for construction--including 2,000 units which were to specifically house Native families. Our groups lost a Ninety-unit allocation as a result of the cancellation.

This Government has recently refused to renew low income housing subsidy contracts with landlords and, it is rumoured, is even considering the privatization of the Ontario Housing Corporation. Its track record with the Co-operative Housing sector is not good and has left many Co-ops on the verge of bankruptcy due to slashed budgets. Surely, this is not a milieu in which the Urban Native Housing program could survive.

Even more important than the very real threat presented by the current Ontario Government, is the historical responsibility for delivery of the Urban Native Housing program which rests solely with the Federal Government. **Canada's constitution makes it the obligation of the Federal Government, which has a fiduciary responsibility, to administer matters relating to First Nation peoples. This responsibility applies equally to all First Nation peoples, regardless of where they choose and very often are forced to live, in order to acquire employment, education, health care, etc.**

The fact that thirty-five year funding agreements have been executed between sponsor groups and the Federal Government must not be overlooked. We argue that these agreements should be honoured by the original signing parties who have at heart the best interests of Native families, Elders and individuals.

January 24 , 1997

Six Nations Council

We urge your Council's support against amending the National Housing Act and any transfer of the Urban Native Housing program to the Ontario Government. Your support will help preserve a vital service provided to countless First Nation peoples living in our urban centres (The Majority Of Whom Are Six Nations Band Members)--a service which allows Native persons the opportunity to manage their own affairs in a manner similar to that recommended in the recently released report of the Royal Commission of Aboriginal Peoples.

Respectfully;

Janice Lewis,
Urban NativeHomes Inc.
Hamilton, Ont.

John Gordon Jr.
Ganawageh Urban Homes
Fort Erie , Ont

Jesse Garlow
Oonuhseh Native Homes
St. Catherines, Ont.

Chel Niro
Brantford Native Housing
Brantford, Ont.

Arlene Smith
K-W Urban Native Homes
Kitchener, Ont.

Melanie McAulay
Sacajawea Non Profit Housing
Hamilton Ont.

U.N.H. Inc.
25 HUGHSON ST. S.
SUITE 205
HAMILTON, ONTARIO
L8N 2A5
(905) 525-1768
FAX (905) 525-2538

Honourable Diane Marleau
Minister of Public Works and
Government Services Canada
36 Elgin Street
SUDBURY, Ontario
P3C 5B4

Dear Honourable Member;

RE: Urban Native Housing Program

The Federal Government has entered into discussions with the Ontario Provincial Government to assess the feasibility of transferring responsibility for the administration of established Federally-initiated not-for-profit housing programs to the latter. The Ontario Government, in turn, plans to transfer this responsibility to municipal governments. This entire proposal is cause for much concern.

We are confident that once you consider the history of the program, the valuable service provided, and the ramifications of any transfer, you will be convinced that administration of the Urban Native Housing initiative is best left to the Federal Government.

Native families, Elders, and individuals routinely face discrimination when searching for a place to live in our urban centres. Unfortunately, many landlords fail to see through negative stereotypes fostered over generations and refuse to rent decent housing to Native peoples. As a result, persons of Native ancestry frequently end up living in over-crowded substandard dwellings in poor environments which present serious safety and health risks.

Several decades ago the Federal Government acknowledged the need to assist First Nation peoples living within urban centres obtain decent, affordable and safe housing. Recognizing its historic commitment to the indigenous peoples of Canada, the Federal Government enacted the Urban Native Housing component of Section 56.1 (and subsequently Section 95) of the National Housing Act. These sections of the National Housing Act addressed the concern by allowing grass roots organizations the opportunity to provide good quality, safe housing for Native families, Elders and individuals in their communities. In order to assure that housing was provided to the proper target group, a stipulation was entrenched into the funding agreements requiring at least 50% of any given household be of Native ancestry as a condition to receiving full subsidy under the program.

Sponsor groups in many different urban centres took the initiative to purchase, construct and manage housing units earmarked specifically for persons of Status, Non-Status, Metis and Inuit ancestry. Over the years each group established varied portfolios of good quality homes and apartments available for rent to Native persons. The portfolios, a mixture of detached, semi-detached, duplex and small apartment building or townhouse developments, are generally scattered throughout the urban centres.

Obviously, the program has helped to lessen discrimination barriers which so many Native persons face when searching for a home. Not so obvious, however, is the way in which the program helps to alleviate stereotypical attitudes prevalent within society by allowing non-Native persons living in good areas of urban centres the opportunity to have persons of Native ancestry as neighbours, to form bonds and friendships, and to gain an understanding and appreciation of Native culture. Of course, the opposite is equally true as many Native persons also learn and benefit from their neighbours.

.../2

In addition, the affordability of homes made available through the Urban Native Housing program allows tenants to reside in units suited to their family sizes, and provides geared-to-income rents adjustable to income fluctuations. Tenants also benefit from regularly maintained units and safer environments in which to live. Many make the most of this opportunity by up-grading their skills at school, college or university.

Unique to the landlord/tenant relationship, some sponsor groups are provided funding under the program for Native Tenant Liaison staff. The Liaison Officers help tenants with problems or concerns, refer them to services available within the community, and provide other assistance as required.

Over the years the Federal Government has nurtured an excellent rapport with many groups through its agent, Canada Mortgage and Housing Corporation. CMHC has demonstrated its commitment to a well-run Urban Native Housing program by providing support (both administrative and technical) as well as reasonable budgets which permit the sponsor groups to ensure good management of their projects and maintenance of the housing stock. CMHC also sponsors annual Urban Native Housing Workshops to help train sponsor groups and keep them up-to-date on program criteria. All of these positive aspects of the Urban Native Housing program would be placed in serious jeopardy--perhaps even lost completely--if the Conservative Government of Ontario is assigned responsibility for its delivery.

The Government of Premier Harris has consistently demonstrated that it is simply not interested in low income housing stock. After being elected, the Ontario Government promptly cancelled many non-profit housing projects scheduled for construction--including 2,000 units which were to specifically house Native families.

This Government has recently refused to renew low income housing subsidy contracts with landlords and is even considering the privatization of the Ontario Housing Corporation. Moreover, it has stated that if it receives control of the Urban Native Housing program, administration of the program will be downloaded to the cash-strapped municipalities. Surely, this is not a milieu in which the Urban Native Housing program could survive.

Even more important than the very real threat presented by the current Ontario Government, is the historical responsibility for delivery of the Urban Native Housing program which rests solely with the Federal Government. Canada's constitution makes it the *obligation* of the Federal Government to administer matters relating to First Nation peoples. Contrary to what some now argue, this responsibility applies equally to all First Nation peoples. No distinction should be made between persons living "off reserve" and "on-reserve"; the heritage of First Nation peoples does not change simply because they choose to live somewhere other than on a "reserve".

In addition, the fact that thirty-five year funding agreements have been executed between sponsor groups and the Federal Government must not be overlooked. We argue that these agreements should be honoured by the original signing parties who have at heart the best interests of Native families, Elders and individuals.

In closing, we urge you to argue against any transfer of the Urban Native Housing program to the Ontario Government. Your support will help preserve a vital service provided to countless First Nation peoples living in urban centres across Ontario--a service which allows Native persons the opportunity to manage their own affairs in a spirit similar to that recommended in the recently released report of the Royal Commission on Aboriginal Peoples. Meegwetch.

Sincerely,

President

c.c. oBoard of Directors
oNative People of Sudbury Development Corporation
(68 Xavier Street, Sudbury, Ontario)
ofile

February ,1997

Honourable Diane Marleau
Minister of Public Works and
Government Services Canada
36 Elgin Street
SUDBURY, Ontario
P3C 5B4

Dear Honourable Member;

RE: Urban Native Housing Program

I/we have been informed that the Federal Government is considering transferring responsibility for the Urban Native Housing program to the Ontario Provincial Government and that the Ontario Government , in turn, plans to transfer responsibility for administering the program to the municipalities. This entire proposal is cause for much concern.

The Federal Government has direct *constitutional* responsibilities for persons of Native ancestry. Whether persons of Native ancestry live in cities, towns or on First Nation lands does not change the scope of these responsibilities. Transferring control of the Urban Native Housing program to the province is a breach of this responsibility and will result in an erosion of Federal responsibilities towards Aboriginal persons. Given the current actions of the Harris Government, such a transfer may well also eventually result in the end of many services provided by the Urban Native Housing program, and perhaps, eventually the end of the program itself.

Groups sponsoring the Urban Native Housing program could receive less budget money from the Ontario Government and/or municipalities for things such as repairs, management, and special services like the ones provided by the Native Tenant Liaison Officers. Cuts such as these would directly effect Urban Native Housing tenants. In order to ensure that erosion of the program does not occur, the Federal Government must remain in control of Urban Native Housing.

I/we encourage you to oppose transferring control of the Urban Native Housing program to the province. This is a social housing service initiated by the Federal Government as part of its *constitutional* obligations to Native persons--a responsibility which is not shared by the Provincial Government.

Thank you for considering my/our opposition to the transfer of the Urban Native Housing program to the Government of Ontario.

Sincerely,

_____
Name

_____
Name

Tenant Address:

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 March 5
9:30 o'clock a.m.
Room 233, City Hall

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning and Development Committee for its meeting held 1997 February 19

B. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

Revised Board of Management - Downtown Hamilton Business Improvement Area (B.I.A.)

C. **BUILDING COMMISSIONER**

988 Upper Paradise Road - Demolition Permit

D. **DIRECTOR OF PLANNING AND DEVELOPMENT**

(i) Request for a one year extension for the approval of Site Plan Control Application DA-95-08 for an addition to the existing commercial development at 970 Upper Wentworth Street

(ii) Site Plan Control Application DA-96-25 for a commercial plaza at 975 Queenston Road to be located in the City of Hamilton and the City of Stoney Creek

E. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

1997 February 19
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A

There were present:
Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R.M. Morrow
Alderman W. McCulloch
Alderman G. Copps
Alderman F. Eisenberger
Alderman B. Charters
Alderman M. Caplan
Alderman H. Merling

Also present:
Victor Abraham, Director of Planning and Development
Joanne Hickey-Evans, Planning and Development Department
Bill Janssen, Planning and Development Department
Peter Lampman, Building Department
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Art Zuidema, Law Department
Tina Agnello, Secretary

1. **Zoning Application 96-25 by 744457 Ontario Limited (c/o Veteran's Taxi) owner, for a modification in zoning for lands located at 488 King William Street.**

Jerry Wannop, the agent and the owner of Veteran's Taxi were present.

Joanne Hickey Evans clarified that this application is in the Lansdale Neighbourhood.

Alderman Copps questioned whether the neighbourhood groups were advised. Joanne Hickey-Evans stated that it was circularized according to the requirements of the Planning Act.

With regard to Site Plan Control, Joanne Hickey-Evans advised that this property would be subject to site plan control. She advised that of 258 notices circulated, 10 people were in favour and one opposed.

As recommended by the Director of Planning in a report dated 1997 February 11, the Committee recommended to Council as follows:

(a) That approval be given to amended Zoning Application ZAC-96-15, 744457 Ontario Limited (Veteran Taxi), owners, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, for Block "1" and a modification to the established "H" (Community Shopping and Commercial, etc.) District for Block "2", for property located south-west corner of King William Street and Wentworth Street North, known municipally as 488 King William Street and 15 Wentworth Street North, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District;

(ii) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" and "2", be modified to include the following variances as special requirements:

1) That notwithstanding Section 2.(2)(J.)(xiii) of Zoning By-law No. 6593, for the purposes of the by-law the "Lot-Line Front" shall be Wentworth Street North;

2) That notwithstanding Section 14.(3)(ii)(a) of Zoning By-law No. 6593, a minimum side yard of 3.0 m shall be provided and maintained along the northerly lot line;

3) That notwithstanding Section 14.(3)(iii)(c) of Zoning By-law No. 6593, a rear yard of a depth of at least 1.5 m shall be provided and maintained; and,

4) That notwithstanding Section 18(3)(vi)(b)(ii) of Zoning By-law No. 6593, a canopy shall not project into the required rear yard;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1374, and that the subject lands on Zoning District Map E-13 be notated S - 1374;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;

(v) That the approved Lansdale Neighbourhood Plan be amended to redesignate the Block "1" from "Single & Double Residential" to "Commercial" upon finalization of the by-law; and,

(vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the implementing By-law not be presented to City Council until such time as the properties known as 488 King William Street and 15 Wentworth Street North must be merged in title and the proof be submitted to the City Solicitor that the properties are held under single registered title;

(c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Block "2" to Schedule "A"; and,

(d) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Block "2" under Site Plan Control.

2. **Zoning Application 96-16, First Place Hamilton, owner, for a modification to the established "CR-3" district for lands located at 350-360 King Street East.**

Submissions were received by the following:

(a) Frank S. Doran, 360 King Street East Apt. 1717, Hamilton
(b) John Larisey, 30 West Avenue North Apt. 603, Hamilton
(c) Doris Wasko, 30 West Avenue North Apt. 606, Hamilton
(d) G. DeQuetteville, 1600-360 King Street East, Hamilton

Mr. Haverty, agent and Gary Quartz, owner, were present. Joanne Hickey-Evans advised that this is an application for conversion of the second floor to 75 retirement lifestyle community units. There will be a dining room which will a common area. It will be for seniors of age 60 and over. One space of parking will be provided for every three residents. Planning supports the application because it is a conversion of an existing building and it is compatible with the surrounding area and there are amenities available for the residents such as transit and shopping within the area. Of 1,042 notices circulated, 177 replied in favour, 12 opposed and 5 with no comment.

Paul Roberts, (no address given) from the community, stated that he was concerned with parking; wanted to know if the application was advantageous to the City; whether this would affect safety of other occupants; whether the tax base would be changed; and, the status of the directorship. In response to the questions, the applicant advised that there is less of a burden on requirement of parking than there is presently with the existing offices.

Residents in the downtown core would be advantageous. There are no hazards to the occupants as a result of this conversion. The change in tax base would be from commercial to residential. The facility is not a care facility.

In response to a question from Alderman Charters, Art Zuidema stated that there is an attempt to require that the have residents of the facility be 60 years of age or older and that the argument can be made that it is to support seniors.

The applicant stated that the average size of existing units is 450 feet as compared to the new ones which will be approximately 350 square feet. The units are made for one person per unit.

In response to a question from Alderman Copps with regard to radial separation, Joanne Hickey-Evans stated that this does not qualify since it is not a care facility and that is why there is a new definition of a retirement lifestyle community incorporated into the recommendation.

The applicant added that the people do not require care but will get assistance with regard laundry and food preparation. The applicant also stated that there are attempted to make First Place viable in terms of the present vacancies that are evident.

As recommended by the Director of Planning in a report dated 1997 February 11, the Committee recommended to Council as follows:

(a) That approval be given to Zoning Application ZAC-96-16, First Place Hamilton, owners, requesting a modification in zoning to the established "CR-3" (Commercial-Residential) District requirements for property located at 350-360 King Street West, to permit the conversion of the second floor of the existing building from commercial uses to 75

"retirement lifestyle" residential units (63 single bed units, 12 double bed units), as shown on the attached map marked as Appendix "B", on the following basis:

(i) That the "CR-3" (Commercial - Residential) District regulations, as contained in Section 15B. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements;

1) notwithstanding Section 15B.(3)(a) of Zoning By-law No. 6593, the following uses shall be permitted within the second floor of the existing building:

a. a senior citizens facility containing a maximum of seventy-five (75) "housekeeping dwelling units"; and,

b. a dining room only in conjunction with a senior citizens facility;

2) notwithstanding Section 15B.(17)(b) of Zoning By-law No. 6593, the residential portion of a joint residential use and commercial use shall have a gross floor area of not more than 31,100 m^2 (334,757 sq.ft.) and a commercial gross floor area of not more than 6,055 m^2 (65,177 sq.ft.);

3) notwithstanding Subsections 15B.(18)(a)(i) and 15B.(18)(a)(ii) of Zoning By-law No. 6593, shall not apply for the purposes of calculating gross floor area;

4) notwithstanding Table 1 of Section 18A. of Zoning By-law No. 6593, a minimum of 1 parking space per 3 beds shall be required for a senior citizens facility containing not more that seventy-five (75) "housekeeping dwelling units".

5) for the purposes of the By-law, a senior citizens facility means a facility within which all residents are at least 60 years of age or older.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1375, and that the subject lands on Zoning District Map E-13 be notated S - 1375;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

***Alderman Charters and Alderman Copps opposed.**

3. City Initiative 96-H Rendering Plants

A submission was received from J. Brookfield, MCIP RPP, Port Planner for the Hamilton Harbour Commissioners. Joanne Hickey-Evans advised that the correspondence received from the Hamilton Harbour Commissioners states that if they do not receive a copy of the report by a certain date, they would not be in favour of the report.

As recommended by the Director of Planning in a report dated 1997 February 11, the Committee recommended to Council as follows:

That approval be given to City Initiative 96-H , for a general text amendment to Zoning By-law No. 6593 to remove tallow rendering or other reducing plant as a permitted use in the "K" (Heavy Industry, etc.) and "KK" (Restricted Heavy Industrial, etc.) Districts, on the following basis:

(i) That Section 2.(2)E.(vii) be amended by deleting the words "tallow rendering or other reducing or rendering plant" so the definition reads as follows:

"Animal By-Product Plant" shall mean and include a gelatin or glue factory, a bone-meal factory, organic fertilizer plant, and any other plant or premises used for any such purpose;

(ii) That Section 16.(1)(xii)(c) be amended by deleting the words "within the meaning of The Public Health Act" so the clause reads as follows:

"any other animals products manufacture which is an offensive manufacture."

(iii) That Section 17.(1)(vii) be amended by deleting the words "tallow rendering plant" so the clause reads as follows:

"A slaughterhouse, tannery, glue factory, or any other factory for the manufacture of Animal Products;"

(iv) That Section 18.(1)(vi) be amended by deleting the words "within the meaning of The Public Health Act" so the clause reads as follows:

"An animal by-products plant, an abattoir or slaughter house for other than the killing of rabbits or poultry, a tannery, and any other use which may be an offensive manufacture."

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(vi) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area."

*** Alderman Drury opposed.**

4. Director of Planning and Development - Proposed 1997 Tariff Fees

Correspondence was received from Dan Condon of the Hamilton-Halton Homebuilders Association. Serge Manchia was present on behalf of the Homebuilders Association. He stated that they're concerned with certain aspects for example, with regard to draft plans for subdivision, they are paying twice, once to the City and once to the Region. He requested that the matter not be dealt with until the restructuring of the Region of Hamilton occurs.

In response to a question from Alderman Merling with regard to Rental Housing Protection application, Joanne Hickey-Evans advised that those associated with severances will be less expensive to process.

As recommended in a report from the Director of Planning, dated 1997 February 12, the Committee recommended to Council as follows:

(a) That the Planning Tariff Fees for 1997, with the exception of the fees for condominiums and plans of subdivision, as shown on Appendix "C", be forwarded to the Committee of the Whole for approval.

(b) That the Planning Tariff Fees for condominiums and plans of subdivision be tabled until such time as the Hamilton and Halton Homebuilders Association has commented on these fees.

5. CONSENT AGENDA

(A) ADOPTION OF THE MINUTES

The minutes of the meeting held 1997 February 5th were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

(B) DIRECTOR OF PLANNING AND DEVELOPMENT

(a) **Extension of Draft Plan Approval - Battleridge Subdivision, dated 1997 February 6:**

(i) That the Region by requested to approve the application by B.J. Clark, agent, to extend draft plan approval for "Battleridge" subdivision under Regional File No. 25T-76024 for a further one (1) year period to February 28, 1998.

(ii) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision."

A memo was received from the Department of Public Works and Traffic to the Director of Local Planning with regard to the request for extension of Draft Plan Approval dated 1997 February 11.

(b) **Zoning Application 93-42, rear of 1094 Upper Sherman, Closure of file (Thorner Neighbourhood), dated 1997 February 7:**

(i) That no action be taken on Zoning Application 93-42 Ashok Kumar, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings in conjunction with lands to the west, for property located at the rear of No. 1094 Upper Sherman Avenue, shown on the attached map marked as Appendix "D", and;

a. City Council take no action on this zoning application, and;

(ii) That staff of the Planning and Development Department be directed to close the file.

(c) **Application to remove Part-Lot Control on Wisemount Estates - Phase 7 Subdivision, dated 1997 February 14:**

(i) That the request by John Parente, Solicitor for 822827 Ontario Inc., owner, to remove part-lot control be approved to establish maintenance easements for Lots 1 to 9 inclusive, and Lot 12 located in "Wisemount Estates - Phase 7" as shown on Appendix "E".

(ii) That the appropriate by-law to remove part lot control from Lots 1 to 9 inclusive and Lot 12, Registered Plan 62M-794, "Wisemount Estates - Phase 7" plan of subdivision, effective until June 1, 1997, be enacted by Council; and,

(iii) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the By-law."

(C) LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

(a) **Vacant Heritage Buildings in Hamilton dated 1997 February 10:**

That the list of vacant heritage buildings in Hamilton attached hereto and marked as Appendix "F" be forwarded to the Director, Economic Development Department; the General Manager of Housing and Loans, Building Department, the Downtown Initiatives Committee; and, the Downtown Partnership in order to identify and target buildings of importance to Hamilton which are worthy of preservation and adaptive re-use but potentially endangered.

Alderman Merling questioned who the owner of Century Theatre is. Alderman McCulloch confirmed that Cameron and Johnson are the owners.

(D) SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

The Committee acknowledged the following items for information which were received under separate cover:

(i) Secretary, LACAC re: Minutes of the meeting held 1997 January 13, dated 1997 February 10.

(ii) Director of Planning and Development re: Approved Site Plan Control Application, dated 1997 February 12.

(iii) Carl Turkstra re: Seminar Invitation to "Hamilton Street and Downtown Revitalization, dated 1997 February 11.

6. OTHER BUSINESS

(a) **Request for further deferral of ZAC-96-05 and SAC-96-01, 177 Rymal Road, East and 1684 Upper Wellington Street.**

Upon the request of the applicant's agent, the Committee resolved that ZAC-96-05 and SAC-96-01, 177 Rymal Road East and 1684 Upper Wellington Street be further tabled.

(b) Gambling Locations

Joanne Hickey-Evans came before the Committee asking for staff authorization to attend public hearings. She identified three land use options:

1. To maintain the status quo; that is, that the casinos would be permitted in many areas;

2. To define Monte Carlo and video lottery establishments and to permit them in the downtown area and industrial districts; and,

3. To have them only in the downtown area.

The Committee concurred and resolved to authorize the Planning and Development Department to hold a public meeting to consider a general text amendment to Zoning By-law 06593 to consider adding Monte Carlo Event (Charity Casino) as a permitted use and identified the specific zoning district in which to locate. In addition to define video lottery terminals and permit in conjunction with the Monte Carlo Event.

(c) Update on Hamilton Harbour Commission Negotiations

Alderman Drury advised that presently the City Solicitor is meeting with the Chairman of the OMB and the Harbour Commission. Victor Abraham advised that there is a signed memorandum agreement between the two parties.

Alderman Charters reviewed the process thus far and explained that there are a number of outstanding issues but there have been some consensus with regard to certain matters. Pier 3 to Pier 7 will be zoned F-1 or Waterfront Recreational. At Pier 8, the Hamilton Harbour wants trucking operations and the City has agreed to it on a limited basis of 7 years. Pier 10, will be rezoned

to J. Pier 11 to Pier 14 will be rezoned to K. Pier 25 - Pier 27 will be rezoned to F-4, Modified and subject to Site Plan Control. The restaurant is a permitted use in the Hamilton Harbour Commission building. The Harbour Commission has agreed on a baseline. The definition of shipping and navigation was reviewed and a decision will be made of the Ontario Municipal Board with regard to this and other Hamilton Harbour Commission matters.

Alderman Eisenberger questioned what the status is of the "clean soils" and whether this agreement will change the status.

Art Zuidema advised that through the proposal the establishment would be legitimized and they would be subject to site plan control approval but the old charges could still stand.

Alderman Charters continued by stating that the Windemere Basin Study is to be completed by June 30, 1997.

Alderman Drury advised that the Planning staff is to provide an Information Report for the next Planning and Development Committee meeting.

Mayor Morrow advised that Alderman Drury, Alderman Charters, himself, the City Solicitor, Caroline Floroff and Art Zuidema have been instrumental in the negotiation sessions. Overall much progress has been made and it is a good starting point of negotiations between the Hamilton Harbour Commission and the City.

Alderman Charters stated that Pier 1 and Pier 2 have yet to be dealt with.

Alderman McCulloch felt that Pier 1 and Pier 2 are the most important issues, especially with regard to the road into the west harbour.

In response to a question from Alderman Merling, Victor Abraham advised that all zoning appeals which were pending since 1983 have been dealt with through Amendment No. 80. The Ontario Municipal Board Chairman is to make a decision at 10:30 with regard to this matter.

Alderman Eisenberger was very concerned that Council has previously agreed that recycling incineration not be conducted at the "clean soil" site. He was concerned that three people have made a decision on behalf of all of Council. He stated that the process is not fair and that the decision should be collective.

Alderman Charters advised that much progress has been made thus far and Piers 1 and 2 will be dealt with at the next step.

In response to a question from Alderman Drury, Victor Abraham advised that many public meetings have been held with regard to Pier 25 - Pier 27.

Alderman Eisenberger stressed his concern that a use has been legitimized through an agreement which Council was previously against and which the residents in the area consider to be noxious.

The Committee moved to adjourn into closed session to discuss matters of litigation and reconvened immediately thereafter with the following report:

> That Planning, Legal and Building Department staff report back to the Planning and Development Committee on Site Plan procedures and the incineration use with regard to the Hamilton Harbour Commission lands.

7. **ADJOURNMENT**

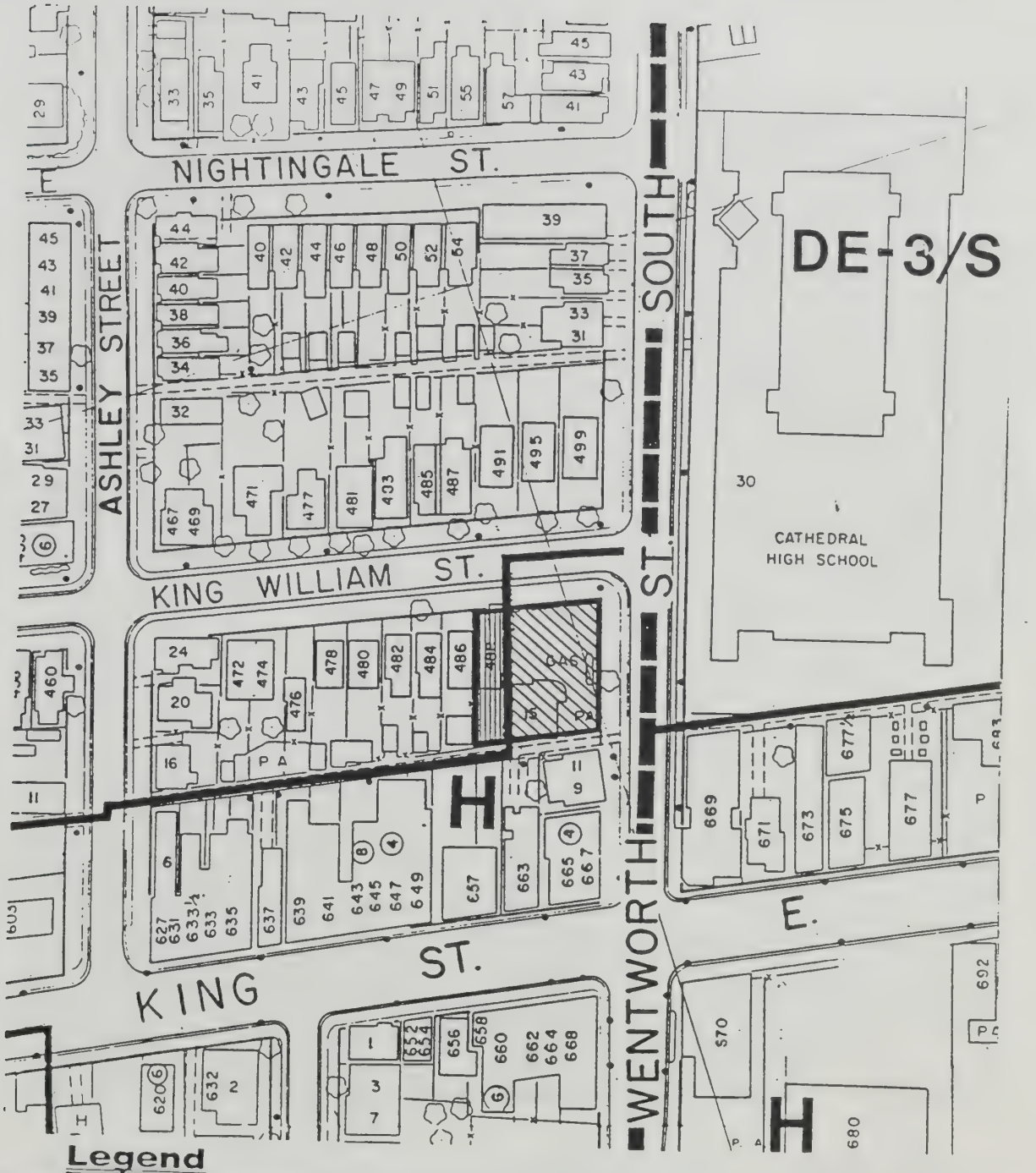
There being no further business, the Committee meeting adjourned.

Alderman D. Drury, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in Section 1(a) of the Planning and Development Committee Minutes dated 1997 February 19



BLOCK 1 — Proposed change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, Modified.

BLOCK 2 — Proposed Modification to the Established "H" (Community shopping and Commercial etc.) District.

ZAC-96-13

Appendix "B" as referred to in
Section 2(a) of the Planning and
Development Committee Minutes
dated 1997 February 19



Legend

Site of the Application

ZAC-96-16

PLANNING AND DEVELOPMENT DEPARTMENT FEES

	SERVICE	CURRENT FEE	CONSULTANT RECOMMENDED FEE	1997 FEE	FEE INCREASE
1	Rezoning				
	- Routine	$865	$1,300	$885	$20
	- Complex -Phase 1	$1,120	$1,680	$1,145	$25
	- Complex - Phase 2	$610	$915	$625	$15
2	Official Plan Amendment				
	- Phase 1	$1,120	$1,950	$1,145	$25
	- Phase 2	$610	$1,925	$625	$15
3	Site Plan Control				
	- applications	$1,120	$2,040	$1,140	$20
	- revisions to plans	$410	n/a	$420	$10
	- preliminary review	n/a	n/a	$420	NEW
	- exemption requests	n/a	n/a	$80	NEW
4	Plans of subdivision				
	- simple	$560	$1,950	$1000 plus $10 lot & $75 block	$440
	- complex	$1,020	$2,500	$2,000 plus $20 lot & $150 block	$980
	- administration of files over 5 years	n/a	n/a	$200	NEW
	- revisions	$355	$750	$750	$395
5	Plan of Condominium				
	- new buildings	$560	$1,400	$1,000 plus $10 unit	$440
	- Conversion - Phase 1	$1000 plus$20 unit (max. $800)	n/a	$1,000 plus $10 unit	$0
	- Conversion - Phase 2	$250	n/a	$250	$0
	- revisions	$355	$750	$750	$395

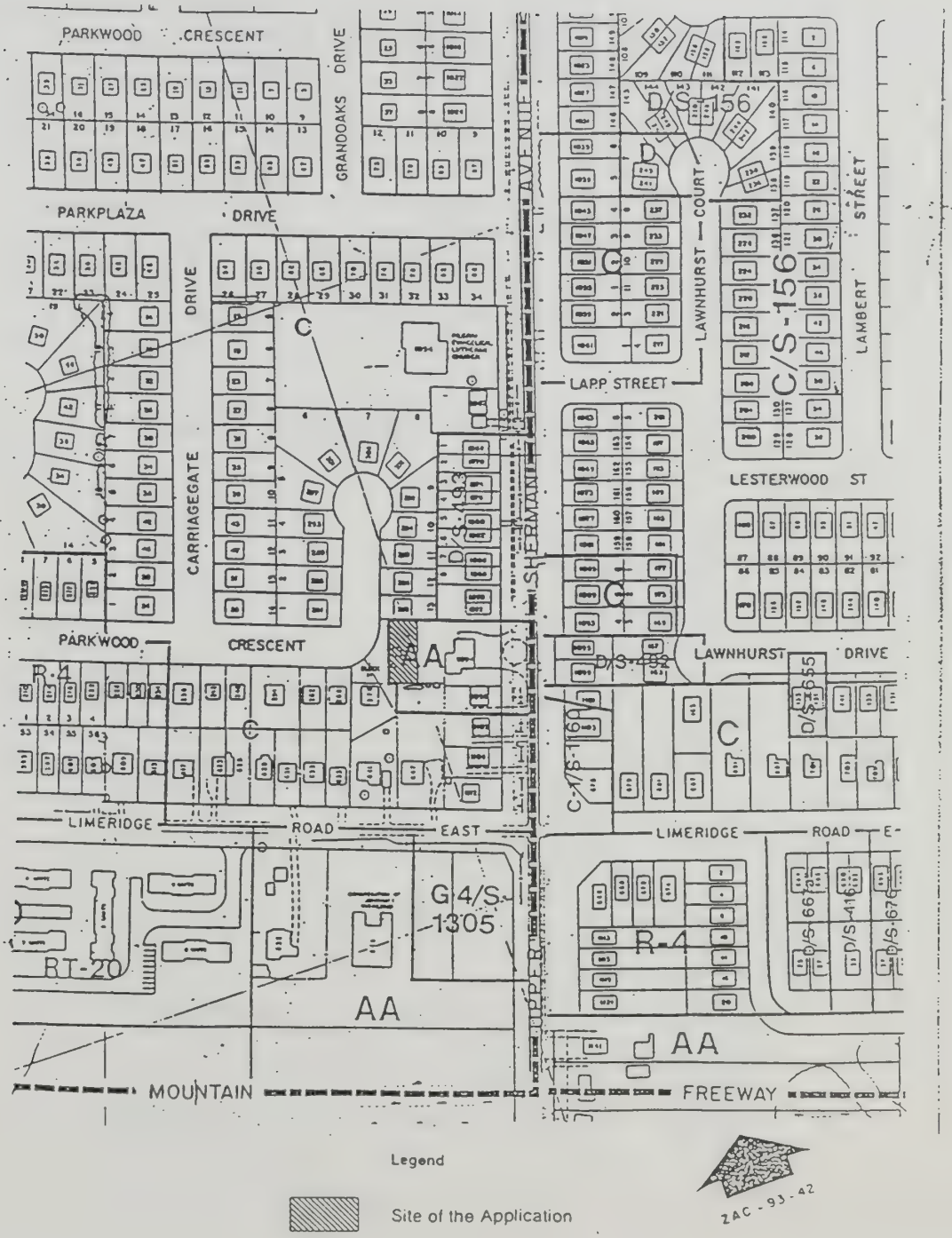
Appendix "C" as referred to in Section 4 (a) of the Planning and Development Committee Minutes dated 1997 February 19

PLANNING AND DEVELOPMENT DEPARTMENT FEES

	SERVICE	CURRENT FEE	CONSULTANT RECOMMENDED FEE	1997 FEE	FEE INCREASE
6	Part Lot Control				
	- applications	$300	$360	$500	$200
	- extensions	n/a	n/a	$250	NEW
7	Rental Housing Protection Act Applications (except severance RHPA)				
	- Phase 1	$1000 plus$20 unit (max. $800)	$6,298	$4,300	$3,000
	- Phase 2	$250	n/a	$2,000 plus 20 unit for condo conversion	$1,750
	- Severance	n/a	n/a	$3,000	NEW
8	Property Reports	$40	$80	$80	$40
9	Municipal Numbers	n/a	n/a	$80	NEW
10	Street Name Change	$3,700	$4,155	$4,155	$455

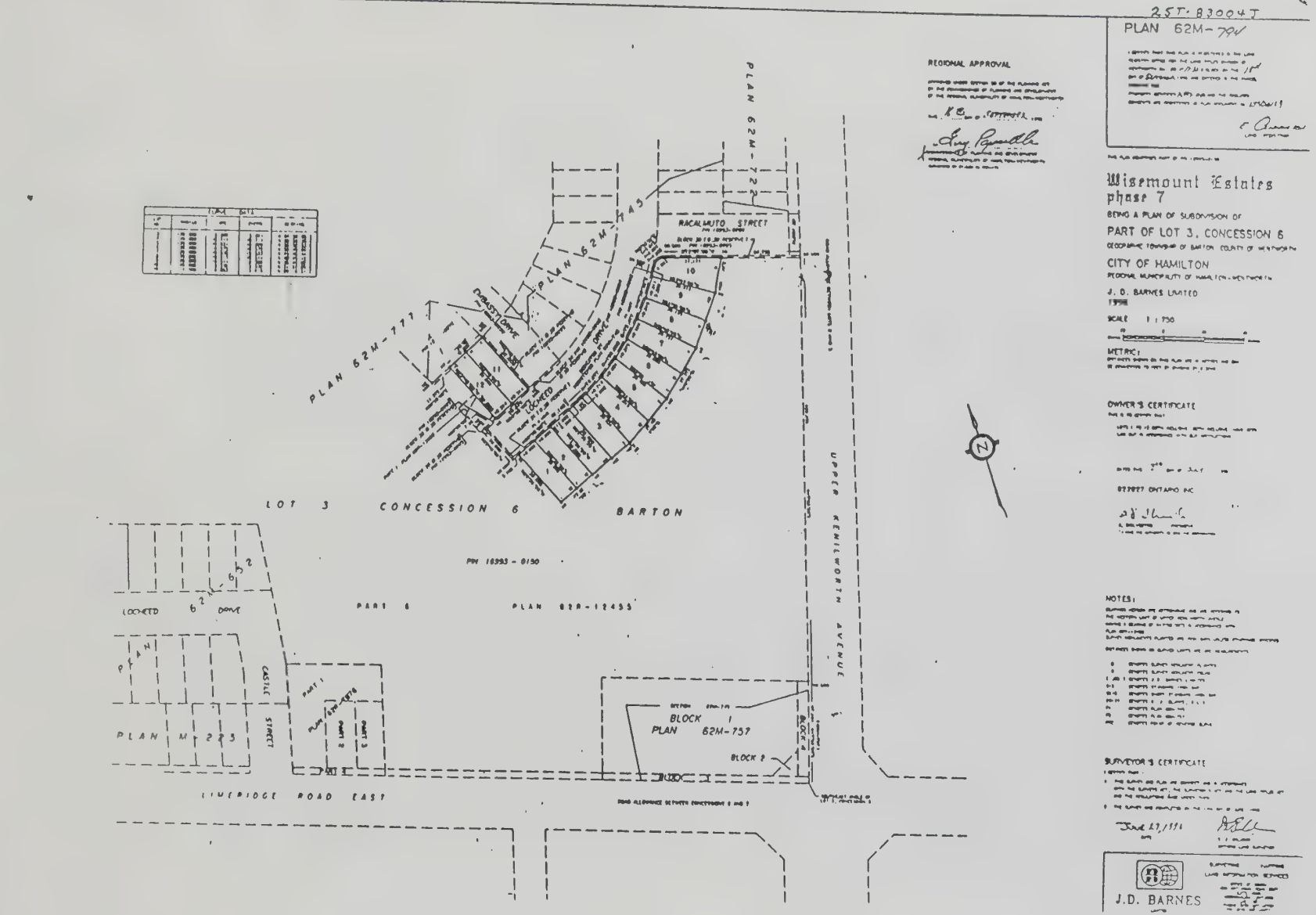
Fees to be Tabled

Appendix "D" as referred to in
Section 5 B. (b) of the Planning and
Development Committee Minutes
dated 1997 February 19



LOCHEED DRIVE

M-794



Appendix "E" as referred to in Section 5 B. (c) of the Planning and Development Committee Minutes dated 1997 February 19

Appendix "F" as referred to in
Section 5 C. of the Planning and
Development Committee Minutes
dated 1997 February 19

Vacant Heritage Buildings in Hamilton
February 1997

EXPLANATORY NOTE:

All of the buildings listed below are on the *Inventory of Buildings of Architectural and/or Historical Interest* for the City of Hamilton; some are also designated under the Ontario Heritage Act* and/or included on a list of *Landmark Buildings in the Downtown Core***. The following list includes two *designated* buildings which are not vacant but which are for sale or potentially for sale. Names of property owners are taken from the current City of Hamilton assessment records.

A. BUILDINGS IN THE DOWNTOWN CORE

1. *CN Station*/**, 360 James Street North - vacant and for sale; owner: Canadian National Railway Co.

2. *Tivoli Theatre*/**, 108-112 James Street North; partly vacant and potentially for sale; owner: Sniderman Radio Sales & Service Ltd.

3. Lister Block*/**, 28-44 James Street North - vacant (with adjoining building at 15-21 King William Street); owner: 810322 Ontario Ltd., c/o Metrus Properties Ltd.

4. *19-31 King Street East (former Woolworth's* building) - vacant and for sale; owner: 848276 Ontario Inc.; The Aragon Group (owner of *The Right House/ Park Place*) has made a conditional offer on the property

5. 81 King Street East (n.w. corner of John Street North) - vacant and for sale; owner: Samuel Sniderman

6. *Treble Hall***, 6-12 John Street North - largely vacant and for sale (with adjoining building at 85-87 King Street East); owner: Sarah Wertman

7. *Century Theatre*, 12 Mary Street - vacant; owner: unknown

8. Victoria Hall*/**, 68 King Street East and the *MacKay Building*, 66 King Street East (adjoining buildings) - vacant; owner: Grail Investments Ltd.
   NOTE: Victoria Hall was declared a National Historic Site in 1995.

B. OTHER HERITAGE BUILDINGS

1. *Church of St. Thomas**, 16 West Ave. S. - vacant; former Anglican church closed in 1996; currently for sale by the Synod of the Diocese of Niagara

2. *St. Andrew's Church**, 109 Smith Ave. (originally *St. Andrew's Presbyterian Church*; most recently *St. Paul's Ecumenical Church*) - vacant; owner: Susan Fenwick (assessed as 384 Barton St. E.)

3. *St. Mark's Church**, 120 Bay Street South - vacant; former Anglican church now owned by the City of Hamilton

4. *Hamilton Conservatory of Music**, 126 James Street South - currently offices for social services agency, Alternatives for Youth; for sale; owner: A Y Alienated Youth of Canada

5. *Canadian Westinghouse Head Office Building**, 286 Sanford Avenue - vacant; owner: Westinghouse Canada Inc.

6. *Burlington Canal Lighthouse and Keeper's House**, 1159/ 1155 Beach Boulevard - vacant; owner: Public Works Canada

7. *Strathcona Fire Station*, 37-39 Strathcona Avenue North - vacant; owner: Hellenic Community of Hamilton and District

8. *Bellevue**, 14 Belvidere Avenue (single-family dwelling) - vacant; owner: Clair Sellens

9. 2717 King Street East (single-family dwelling) - vacant (early 19th century farmhouse built for United Empire Loyalist Samuel Nash); owner: Owen Jackson

B

CITY OF HAMILTON

- RECOMMENDATION -

FEB 2 4 1997

DATE: 1997 February 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Revised Board of Management, Downtown Hamilton
Business Improvement Area (B.I.A.)

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 97-011, appointing the Downtown Hamilton B.I.A.'s Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
C. Jamieson	The Right House
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
P. Pappas	Joe Buddinski's
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.

L. Scott-England for
D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

A. Herpers, President, Herpers, Gowling Inc., was elected as a member of the Board of Management of the Downtown Hamilton B.I.A. at its meeting held 1997 February 19. The total number of Board members is now 12 - the B.I.A.'s Constitution allows a maximum of 17.

HM:hm
P&DBoard.Down

c.c. Carlo Gorni, Executive Director
Downtown Hamilton B.I.A.

Patrice Noé Johnson
City Solicitor
Law Department

CITY OF HAMILTON

- RECOMMENDATION -

C

DATE: 1997 February 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
988 UPPER PARADISE ROAD - Tag Number 10072
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 988 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C/S-1370 and RT-20/S-1370

PRESENT USE: Single Family Dwelling

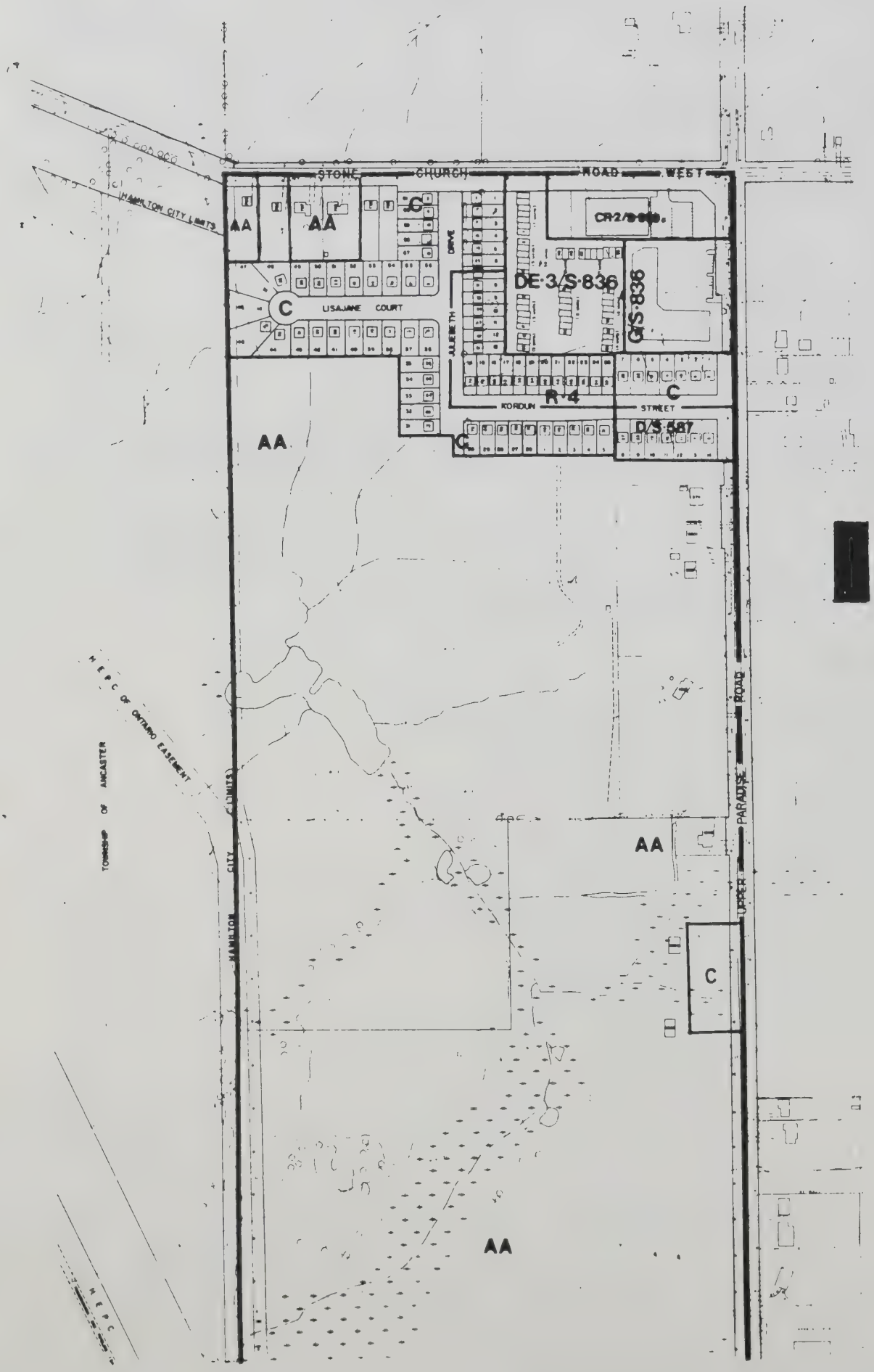
PROPOSED USE: Two Single Family Dwellings

BRIEF DESCRIPTION: The owner wishes to demolish the existing one storey single family dwelling. The building is located in the FALKIRK Neighbourhood (see attached neighbourhood map). There is a current application to change the zone from "AA" (Agricultural) to "C" (Urban Protected Residential) and "RT-20" (Townhouse) under By-Law 96-173, which is not finalized. There is a recent application for a Development Agreement, DA-96-28, for the portion of lands located in the proposed RT-20 District, which has not been finalized. There are applications for land severance on the property, B-96:12 and B-96:13, which are not finalized. No LACAC interest. Lot size 290' x 300'.

The owner of the property and applicant as per the demolition permit is:

Dicon Developments Inc., 41-1070 Rymal Road East, Hamilton, Ontario L8W 3K8

FP/zr


STONE CHURCH ROAD WEST
HAMILTON CITY LIMITS
AA
AA
C
C
USAJANE COURT
DRIVE
JULIE BETH
DE-3/S-836
GYS-836
CR2/
C
R-4
KORDUN STREET
C
D/S-587
AA
AA
AA
C
UPPER PARADISE ROAD
HAMILTON CITY (CLINTON)
TOWNSHIP OF ANCASTER
HEPC OF ONTARIO EASEMENT
HEPC
SUBJECT PROPERTY
988 UPPER
PARADISE RD.

D(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1997 February 19 DA-95-08 Bruleville Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	V. J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Request for a one year extension for the approval of Site Plan Control Application DA-95-08 for an addition to the existing commercial development at 970 Upper Wentworth Street.

RECOMMENDATION:

That approval be given to the request by Toys "R" Us (Canada) Ltd., owner of the lands at 970 Upper Wentworth Street, as shown on the attached map marked as Appendix "A", for an extension to the approval of Site Plan Control Application DA-95-08 to March 11, 1998, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

EXPLANATORY NOTE:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. The approval of DA-95-08 will cease on April 4, 1997. The owner has requested an extension of this time limit.

V. Abraham

J. Pavelka

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

Site Plan Control Application DA-95-08 received conditional approval on April 4, 1995. Final plans were approved on May 4, 1995. The site plan approval would permit a 2,918.37 m^2 addition to the existing commercial building. However, to date, no building permit has been issued. The applicant has indicated that they are currently in negotiations with a tenant for the addition, and expect to have the remaining lease issues resolved within the next nine months. An extension is requested to permit the applicant to finalize leasing arrangements and have capital approvals in place.

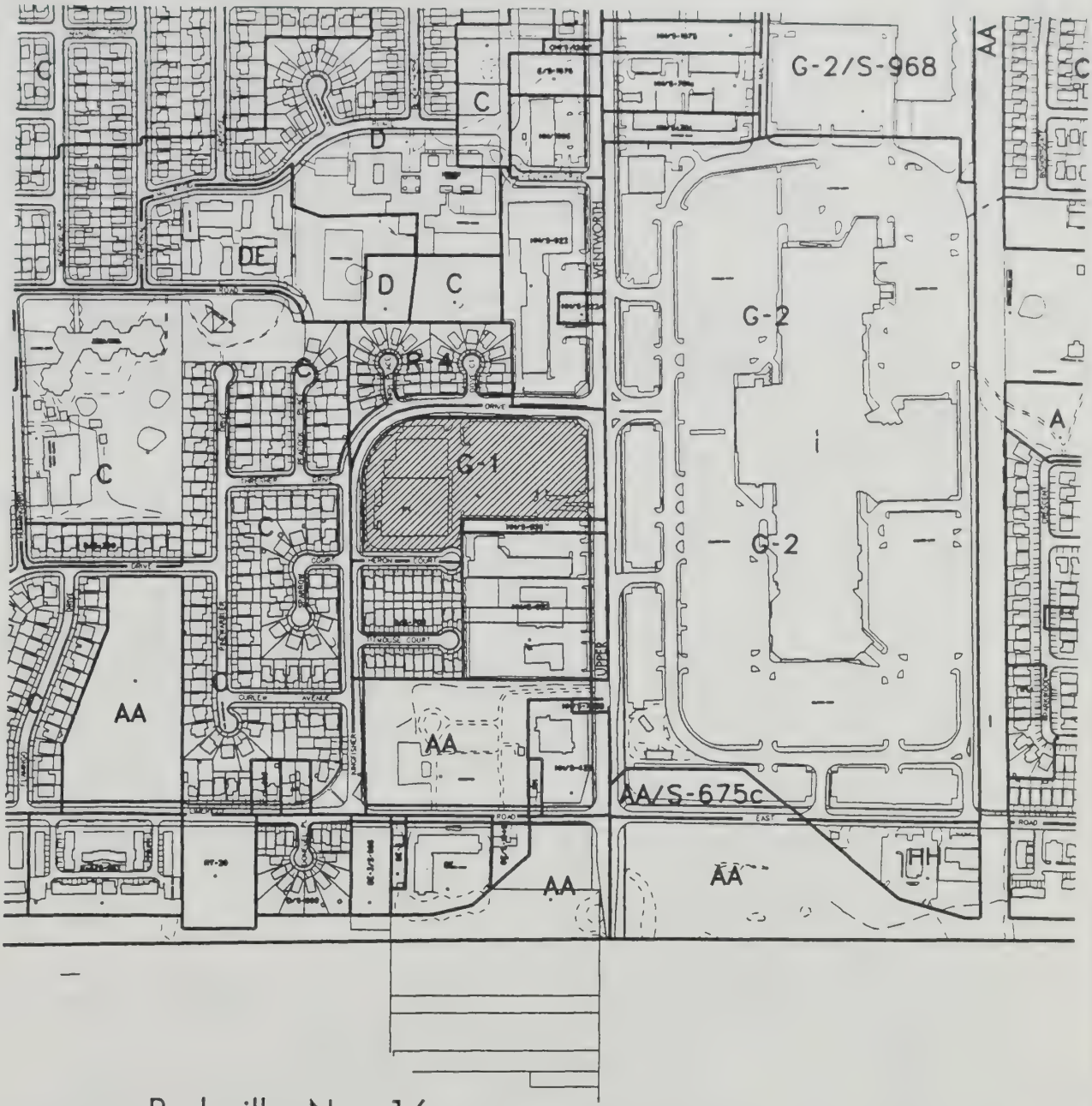
There are no changes proposed to the approved plans and drawings. Furthermore, there are no concerns respecting the extension from circulated departments. A copy of the approved Site Plan is attached as APPENDIX "B".

COMMENTS:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. City Council approval is therefore required to modify the time frame. Since no changes are proposed to the approved application, and there are no concerns from circulated departments, it is recommended that a one year extension be granted.

At the end of this one year period, if no Building Permit has been issued, it is recommended that a new application be submitted for the approval of development plans.

CL-M



City of Hamilton

Plan Showing Lands Subject to

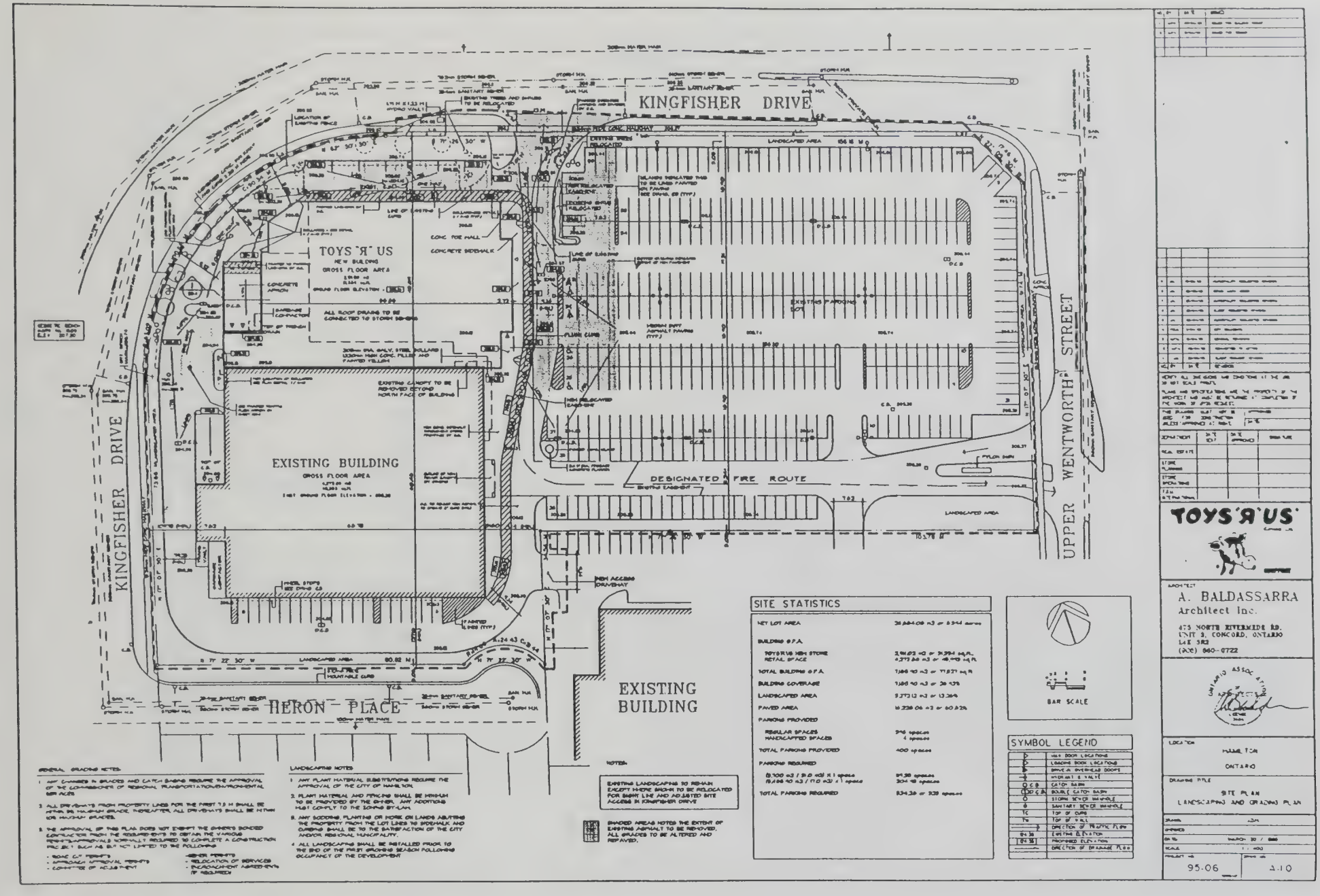
Site Plan Control Application DA-95-08

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-95-08
	Date	Drawn By
	MARCH 13, 1995	William Braithwaite



TOYS 'R' US

ARCHITECT
A. BALDASSARRA
Architect Inc.
473 NORTH RIVERMIDE RD.
UNIT 3, CONCORD, ONTARIO
L4K 3R3
(416) 660-0722

LOCATION
HAMILTON
ONTARIO

DRAWING TITLE
SITE PLAN
LANDSCAPING AND GRADING PLAN

95-06

A-1.0

APPENDIX

D(ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 February 25
DA-96-25
Riverdale East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Site Plan Control Application DA-96-25 for a commercial plaza at 975 Queenston Road to be located in the City of Hamilton and the City of Stoney Creek.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-96-25 by K&H Creek Investments Ltd., Owner, for lands known as 975 Queenston Road, located in the City of Hamilton and the City of Stoney Creek, as shown on the attached map, marked as APPENDIX "A", for a commercial plaza, subject to the following:

i) modification to plans in relation to notes, dimensions, and access points, as marked in red on the plans;

ii) submission of a revised landscaping plan, to the satisfaction of the Director, Planning and Development Department;

iii) submission of a revised grading plan to the satisfaction of Commissioner of the Environment, Regional Environment Department; and,

iv) the applicant/owner must pay all outstanding servicing and road (property) costs to the City of Hamilton on Donn Avenue prior to the City of Hamilton incorporating the 0.30m reserve adjacent to Donn Avenue;

BACKGROUND:

Plans have been submitted for a one storey commercial plaza at 975 Queenston Road, as shown on the attached map.

The subject lands are located in both the City of Hamilton and the City of Stoney Creek. In this regard, a separate site plan application was made to the City of Stoney Creek.

The details of the development, including the lands in both the City of Hamilton and the City of Stoney Creek are as follows:

•	Net Lot Area	-	4,321.65 m^2
•	Building Coverage	-	1,420.00 m^2
•	Landscape Area	-	1,334.56 m^2
•	Building Height	-	1 Storey
•	No. of Parking Spaces Provided	-	35 Spaces
•	Exterior Building Materials	-	Brick and Stucco

COMMENTS RECEIVED:

The Regional Environment Department has commented on various matters dealing with the grading plan, design of the access points, daylight triangles and works within the boulevard portion of the road allowance (See Appendix "B" and "B1").

The Traffic Division has commented on matters dealing with access to the site, the required loading space (See Appendix "C").

The Building Department has advised that all access driveways must be at least 3.0m from the west lot line.

COMMENTS:

Modifications are required to the plans related to dimensions, notes, and access points and are marked in red on the plans in response to the comments from the various departments.

The Regional Environment Department has advised that the grading plan will be approved subject to the applicant submitting a revised plan which addresses the elements identified in their comments dated January 31, 1997. Therefore, a revised grading plan is required to be submitted to the satisfaction of the Commissioner of the Environment, Regional Environment Department.

The Roads Department has commented on matters relating to the portion of the building lands in Stoney Creek and Hamilton. As a condition of site plan approval. the applicant/owner will be required to pay all outstanding servicing and road (property) costs to the City of Hamilton prior to the City of Hamilton incorporating the 0.30m reserve adjacent to Donn Avenue shown as Part 15 on Reference Plan 62R-8380. The Roads Department further advised that the City of Hamilton constructed the section of Donn Avenue within the City of Stoney Creek and the City of Hamilton and the recovery of the road costs, etc. should include this entire section of Donn Avenue adjacent to the subject lands.

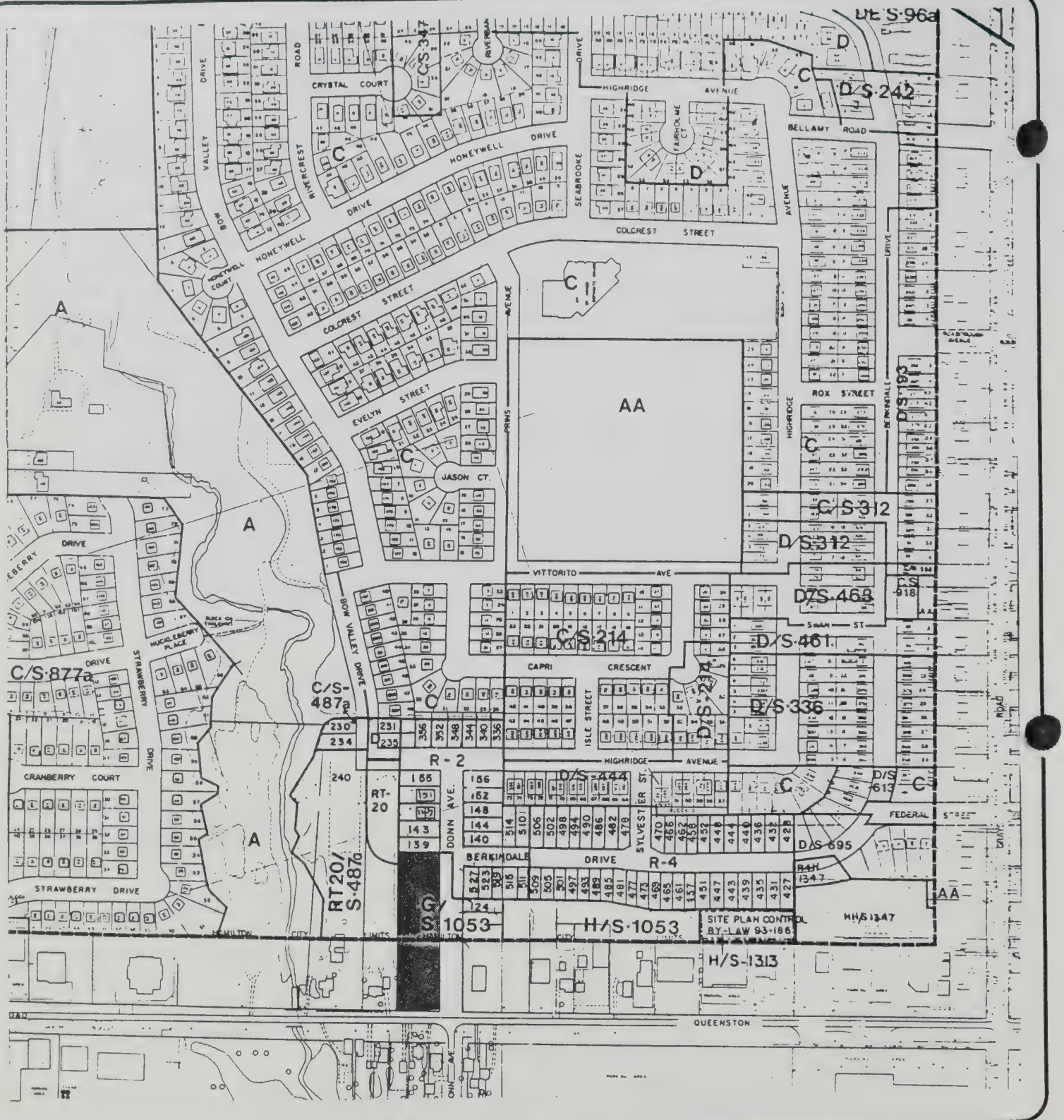
The Building Department has advised that if the applicant deems Queenston Road to be their front lot line, then all building setbacks will be established on that basis. In addition, the parking area has been red line revised to maintain a 3.0 m setback for the parking area from the westerly lot line. The Traffic Division has no objection to this revision.

A separate site plan application has been submitted to the City of Stoney Creek. The City of Stoney Creek has approved the application conditional on, amongst other conditions, the applicant obtaining site plan approval from the City of Hamilton.

CONCLUSION:

Subject to the above, the proposed development is satisfactory.

SR/sr
DA-96-32



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-96-25

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-96-25
	Date	Drawn By
	OCTOBER 1996	R.L.

REGIONAL ENVIRONMENT DEPARTMENT

MEMORANDUM

PLANNING & DEVELOPMENT DEPARTMENT
LOCAL PLANNING DIVISION
FEB 03 1997
TO

****

TO: V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

YOUR FILE: DA-96-25
SL

FROM: C. A. Unelli, C.E.T.
Development Co-ordinator
Regional Environment Department

OUR FILE: E220-1803
PHONE: (905) 546-4142

SUBJECT: **Site Plan Control Application for DA-96-25 for lands located at 973 and 975 Queenston Road Stoney Creek for General Commercial Use Building**

DATE: 1997 January 31

The grading plan submitted dated August 16, 1996 will be approved with respect to grading, Hamilton portion only, when the following revisions have been dealt with.

(1) The standard grading plan notes should be shown on the plan. A copy of these notes are attached for your information.

(2) As the plans submitted indicate that the roof leaders of the proposed building are to discharge directly to the ground, the applicant/owner must submit a storm water management report prepared by a qualified Engineer, showing that this development will have no negative impact on the subject or abutting properties.

(3) Portions of the proposed swale along the west and north property line are less than our minimum slope of 2.0 % for sodded swales. However, as the applicant is intending to utilize a sub-drain under the swale we will consider a minimum of 1.5 %. The plan should therefore be modified in order to provide at least this minimum.

The swale in the north east corner of the property should also be modified in order to direct drainage internally onto the site. A proposed invert at the end of this swale.

Cont'd..

**Site Plan Control Application
for DA-96-25 for lands located
at 973 and 975 Queenston Road
Stoney Creek for General Commercial
Use Building** (cont'd)

(5) Storm manhole number MH #3 should be moved so that it is entirely on private property.

In addition storm manhole MH # 2 should also be moved so that it is entirely on private property.

(6) All sodded slopes should be a maximum of 3:1 and a note should be placed on the plan to this effect.

Based on the elevations provided the slope between the proposed walk/curb and the proposed swale at the rear of the site appears to be greater than 3:1.

(7) There are two catch basins labelled on the plan as CB '3'.

Please note that items numbered 2, 3 (modified), 4, 5 (modified) and 6 were previously noted in our comments dated November 20, 1996.

In order to assist the applicant/owner with the preparation of the security as required under the Site Plan Agreement, we have attached a copy of a guideline for estimating security requirements. It should be noted that this guideline, only includes items specific to our Department's security requirements, and depending on the details of the development, securities for additional items may be added. Please note that the estimate must be stamped by a qualified professional engineer, architect or landscape architect.

The comments from the Regional Transportation Department, Sewer and Water Design Section, as noted in our previous memo dated November 20, 1996 are still applicable. These comments are repeated below for your convenience.

(1) Sewer Design Calculations and Drainage Area Plans are still outstanding.

(2) The north portion of this project is in the City of Hamilton. The storm private drain connection permit is required from the Regional Municipality of Hamilton-Wentworth.

Cont'd..

**Site Plan Control Application
for DA-96-25 for lands located
at 973 and 975 Queenston Road
Stoney Creek for General Commercial
Use Building** (cont'd)

(3) We wish to remind the applicant that the proposed storm sewer system on the south portion of the project will be reviewed and approved by the City of Stoney Creek and any other Authority that has jurisdiction.

(4) The proposed sewer "bedding" and "the catch basin goss trap" specifications should be added to the plan.

(5) Existing sewer information (such as inverts etc.) should be provided.

(6) Sewer Note #1 and #2 "-M1962" should read as "-M1982". Sewer Note #4 should read "Construction of Sanitary Sewers and Sanitary Private Drains Shall be in Accordance with The Regional Municipality of Hamilton-Wentworth Specifications Manual (Latest Edition)".

(7) Sewers shall be either:
(a) class 3 concrete (CSA A257.1-M1982)
or
(b) PVC SDR 28 for 150 mm diameter and SDR 35 for other sizes. (PVC pipe is not allowed in rock cuts).

(8) Notes on the plan which refer to the water services should be modified as noted on the attached excerpt from the plan.

The applicant/owner should be advised that a copy of the servicing drawings (final design) must be submitted to the Region's Roads Department, Sewer and Water Design Section, for review prior to sewer and water permit application.

Cont'd..

**Site Plan Control Application
for DA-96-25 for lands located
at 973 and 975 Queenston Road
Stoney Creek for General Commercial
Use Building** (cont'd)

The following comments were received from the Regional Transportation Department, Roads Division.

(1) In conjunction with this application, the applicant has also submitted Site Plan Control Application No. 35-2320 with the City of Stoney Creek for the portion of the development within their Municipal Boundary. Our comments on this application are attached for your information. Please note that the road widenings and daylight triangle required on Queenston Road and the intersection of Queenston Road to date have not been dedicated to the Region for road widening purposes. As these applications pertain to the same development, we recommend that as a condition of site plan approval that Part 16 on Reference Plan 62R-9499 be dedicated to the Region for road widening purposes. We also require that as a condition of site plan approval that a 12.19 m by 12.19 m daylight triangle be dedicated to the Region for road widening purposes. This triangle must be taken from widened northwest angle at the intersection of Donn Avenue and Queenston Road.

(2) As a condition of site plan approval the applicant/owner must pay all outstanding servicing and road (property) costs to the City of Hamilton on Donn Avenue prior to the City of Hamilton incorporating the 0.30 m reserve adjacent to Donn Avenue shown as Part 15 on Reference Plan 62R-8380. For your information we understand that the City of Hamilton constructed the section of Donn Avenue within the City of Stoney Creek and the City of Hamilton and the recovery of the road costs, etc. should include this entire section of Donn Avenue adjacent to the subject lands.

(3) Since these lands also are located within the City of Stoney Creek, we recommend that these site, grading and landscape plans be forwarded to the City of Stoney Creek for their review and comments. It is imperative that these application approvals are co-ordinated.

(4) We require 5 m by 5 m daylight visibility triangles between the accesses and the Donn Avenue road allowance limits in which the maximum height of any objects, mature vegetation, etc. is not to exceed 0.60 m above the corresponding perpendicular centreline elevation of Donn Avenue.

Cont'd..

**Site Plan Control Application
for DA-96-25 for lands located
at 973 and 975 Queenston Road
Stoney Creek for General Commercial
Use Building** (cont'd)

(5) Any other works which may occur within the Queenston Road road allowance limits, as widened, the daylight triangle and the Donn Avenue road allowance must conform to the respective Street's By-laws. The applicant/owner must contact all the respective utilities prior to any construction within the road allowances.

(6) The proposed privacy fence along the north property line should be set back a minimum of 5.0 m from the road allowance limits of Donn Avenue and the plans should be revised accordingly.

(7) The light standard relocation requires the approval of the City of Hamilton Department of Public Works and Traffic and must be relocated to their satisfaction. As the proposed access to Donn Avenue is located adjacent to a Hydro Vault, comments from Hamilton Hydro with respect to any setbacks from the vault, etc. should be considered.

(8) The revised plans now indicate a new access to be constructed at the southerly end of the property. Due to the proximity of the curb line to the property line at this new access, we recommend that the maximum height of any object or mature vegetation adjacent and to the north of the south access be no higher than 0.60 m above the corresponding perpendicular centreline elevation of Donn Avenue. (see plan attached)

Cont'd..

**Site Plan Control Application
for DA-96-25 for lands located
at 973 and 975 Queenston Road
Stoney Creek for General Commercial
Use Building** (cont'd)

If there are any queries regarding the Sewer and Water Design Section comments please contact Mr. H. J. Thomas Ho at 546-2436 (sanitary sewers) and Ms. C. Brenner at 546-4311 (water). With respect to the Roads Division comments please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to the grading and drainage issues.

Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW/HG
attach.

cc: B. Reid, City of Stoney Creek Engineering Department

NOTES ON GRADING PLAN

(1) Any changes in grades and catch basins require the approval of the Commissioner, Regional Environment Department.

(2) All driveways from property lines for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10 % maximum grades.

(3) The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:

- Road cut permits
- Approach approval permits
- Committee of Adjustment
- Sewer permits
- Relocation of services
- Encroachment agreements (if required)

Regional Municipality of Hamilton-Wentworth
Regional Environment Department
Development Agreements (Hamilton) - Guide for Estimating Security Requirements

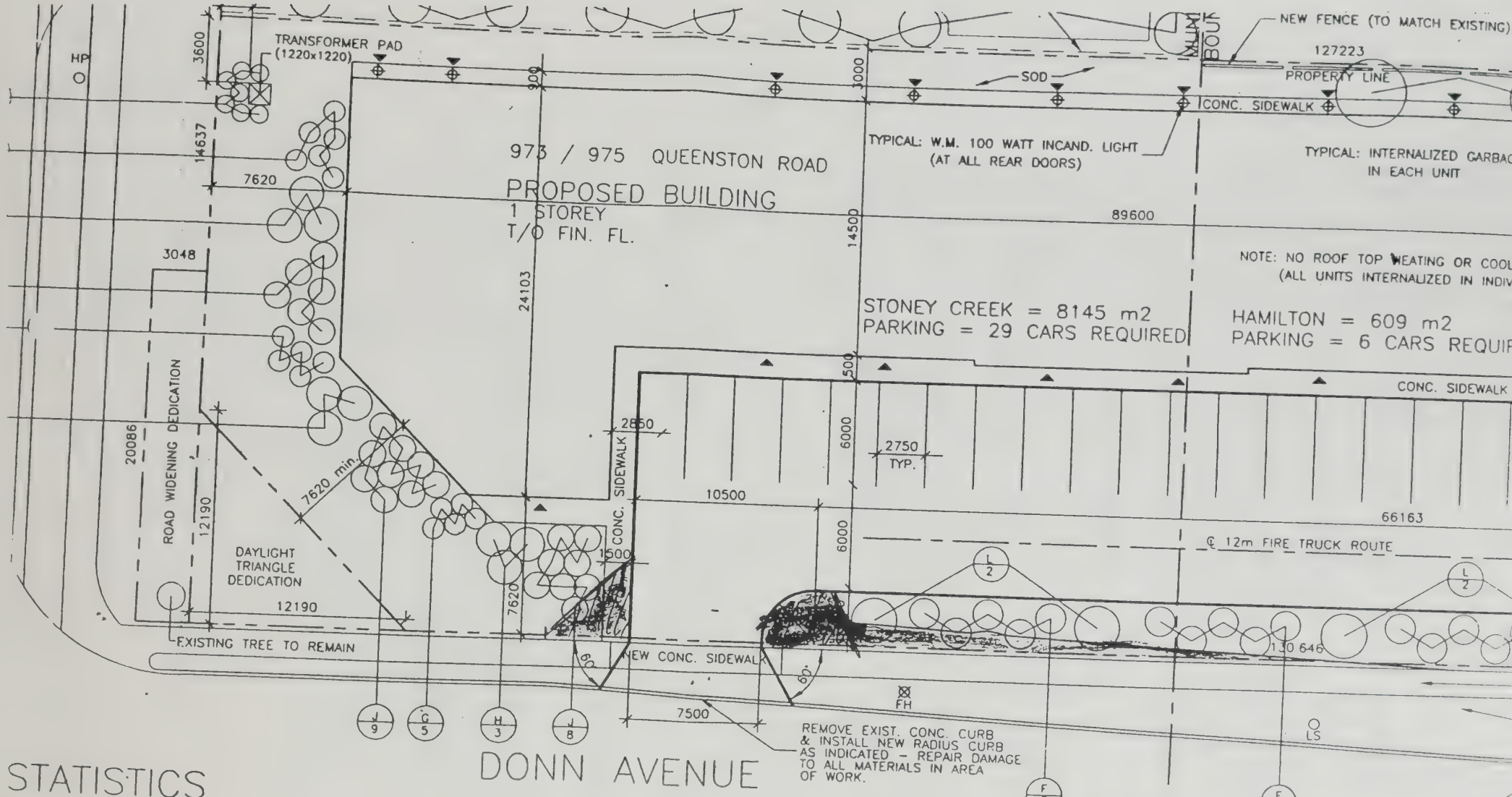
ITEM	DESCRIPTION (examples only)	QUANTITY	UNIT COST	TOTAL
1. Asphalt Binder	"x" mm	m2 or tonnes	$/m2 or $/tonne	$
2. Asphalt Surface	"x" mm	m2 or tonnes	$/m2 or $/tonne	$
3. Granular "A" Base	"x" mm	m2 or tonnes	$/m2 or $/tonne	$
4. Concrete Curbing	type "x" mm by "x" mm	m	$/m	$
5. Concrete Walks	"x" mm by "x" mm	m2	$/m2	$
6. Catch Basins	Single	number required	$/each	$
	Double	number required	$/each	$
7. Storm Sewers	Size	m	$/m	$
8. Road Cut/Repair	Size	m2	$/m2	$
. Storm Manholes	Depth	number required	$/each	$
10. Retaining Walls:	Pressure Treated ("x" mm by "x" mm)	m2 of wall face	$/m2 of wall face	$
	Precast Concrete or Armour Stone etc.	m2 of wall face	$/m2 of wall face	$
11. Topsoil	"x" mm	m2	$/m2	$
12. Sod	No. 1 Nursery Sod	m2	$/m2	$
13. Fencing	1.5 m Chain Link	m	$/m	$
	1.8 m Chain Link	m	$/m	$
	1.5 m Pressure Treated	m	$/m	$
	1.8 m Pressure Treated	m	$/m	$
14. Brick or Concrete Paving Stones		m2	$/m2	$
15. P.S.T. and G.S.T.				$

TOTAL

Note: Landscaping items (ie trees, shrubs etc.) have not been included in the above noted guideline as these security requirements are under the review of the City of Hamilton Planning and Development Department. Please contact their Offices for details.

Depending on the specific details of the plans submitted and approved, securities may be required for additional items not noted in the above list.

The security estimate submitted must be stamped by a qualified professional engineer, architect or landscape architect.



STATISTICS

= GENERAL COMMERCIAL 6C-36

BYLAW 3881-93

NTAGE = 34.3m

SET BACKS (BY ZONING)

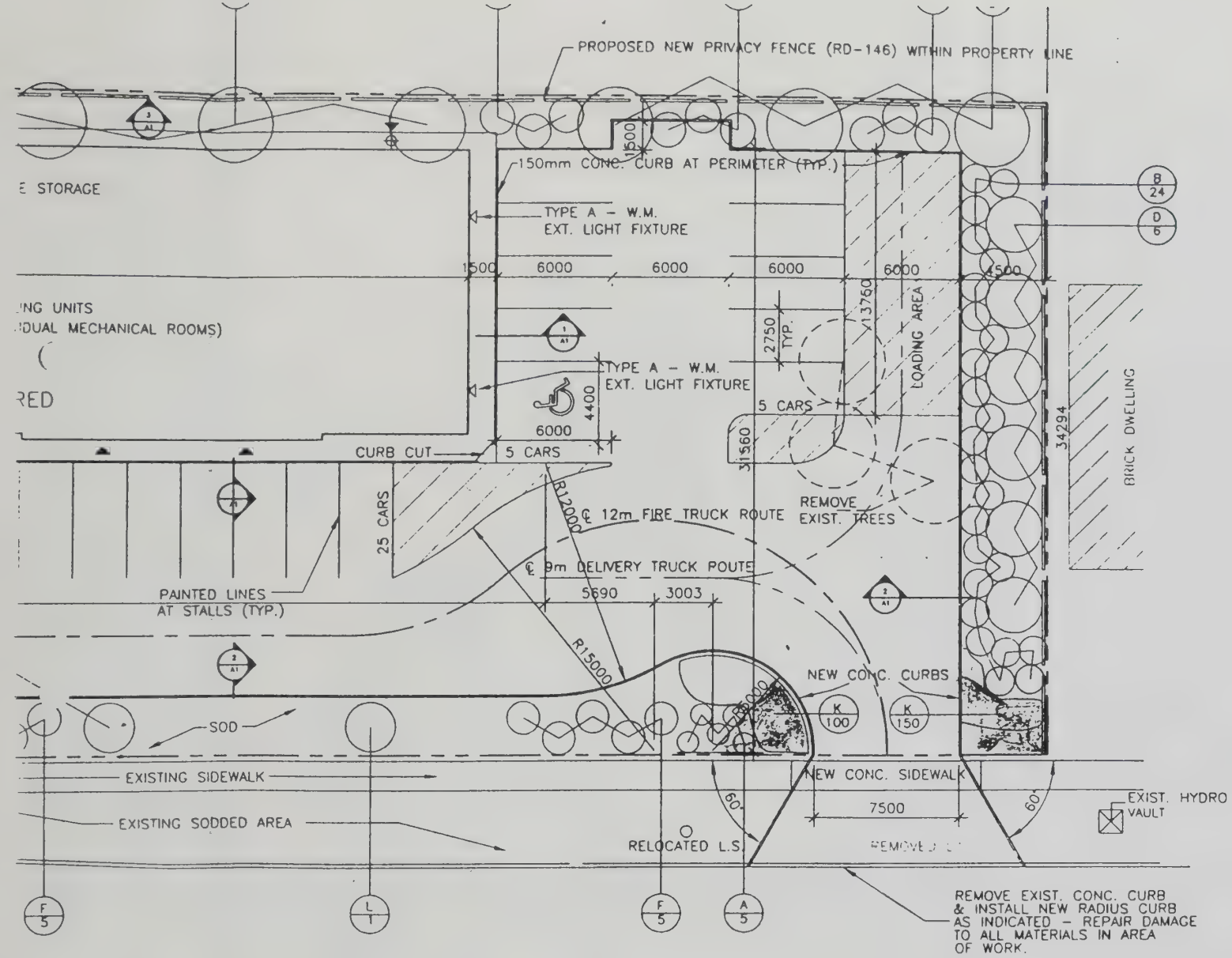
FRONT YARD = 7.60m (REQUIRED)

- objects, mature vegetation, etc to be no higher than 0.60m above corresponding perpendicular centreline elevation of Donn Avenue.

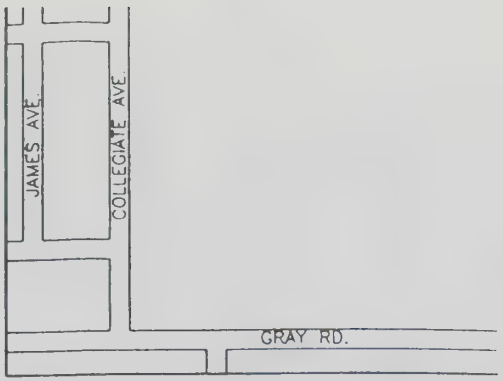
ALTERNATE S

1 : 250

NOTE: ALL DIMENSIO



SITE PLAN 2



KEY PLAN

N.T.S.

INFORMATION TAKEN FROM
PLAN OF SURVEY OF
PART OF LOT 24 - CONC
IN THE
GEOGRAPHICAL TOWNSHIP
NOW PARTLY IN
THE CITY OF HAMILTON
AND PARTLY IN
THE CITY OF STONEY CRE
IN THE
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

SURVEY INFORMATION TAKE
SURVEY PLAN PREPARED
L.G. WOODS SURVEYING IN

LANDSCAPE LEGEND

NOV 21 199

REGIONAL ENVIRONMENT DEPARTMENT

MEMORANDUM

****

SR

TO: V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

YOUR FILE: DA-96-25

FROM: C. A. Unelli, C.E.T.
Development Co-ordinator
Regional Environment Department

OUR FILE: E220-1803
PHONE: (905) 546-4142

SUBJECT: **Site Plan Control Application for DA-96-25 for lands located at 973 and 975 Queenston Road Stoney Creek for General Commercial Use Building**

DATE: 1996 November 20

The grading plan submitted dated August 16, 1996 will be approved with respect to grading, Hamilton portion only, when the following revisions have been dealt with.

(1) The grading plan must be stamped by a qualified Engineer, Architect, or Landscape Architect.

(2) The standard grading plan notes should be shown on the plan. A copy of these notes are attached for your information.

(3) As the plans submitted indicate that the roof leaders of the proposed building are to discharge directly to the ground, the applicant/owner must submit a storm water management report prepared by a qualified Engineer, showing that this development will have no negative impact on the subject or abutting properties.

(4) Portions of the proposed swale along the west and north property line are less than our minimum slope of 2.0% for sodded swales. However, as the applicant is intending to utilize a sub-drain under the swale we will consider a minimum of 1.5 %. The plan should therefore be modified in order to provide at least this minimum.

The swale in the north east corner of the property should also be modified in order to direct drainage internally onto the site.

Cont'd..

**Site Plan Control Application
for DA-96-25 for lands located
at 973 and 975 Queenston Road
Stoney Creek for General Commercial
Use Building** (cont'd)

(5) Storm manhole number MH #3 should be moved so that it is entirely on private property.

(6) All sodded slopes should be a maximum of 3:1 and a note should be placed on the plan to this effect.

The following comments were received from the Regional Transportation Department, Sewer and Water Design Section.

With reference to our comments to the City of Stoney Creek dated July 24, 1996, a copy of which are attached, we have the following comments:

(1) Sewer Design Calculations and Drainage Area Plans are still outstanding.

(2) The north portion of this project is in the City of Hamilton. The storm private drain connection permit is required from the Regional Municipality of Hamilton-Wentworth.

(3) We wish to remind the applicant that the proposed storm sewer system on the south portion of the project will be reviewed and approved by the City of Stoney Creek and any other Authority that has jurisdiction.

(4) The proposed sewer "bedding" and "the catch basin goss trap" specifications should be added to the plan.

(5) Existing sewer information (such as inverts etc.) should be provided.

(6) Sewer Note #1 and #2 "-M1962" should read as "-M1982". Sewer Note #4 should read "Construction of Sanitary Sewers and Sanitary Private Drains Shall be in Accordance with The Regional Municipality of Hamilton-Wentworth Specifications Manual (Latest Edition)".

Cont'd..

**Site Plan Control Application
for DA-96-25 for lands located
at 973 and 975 Queenston Road
Stoney Creek for General Commercial
Use Building** (cont'd)

(7) Sewers shall be either:
(a) class 3 concrete (CSA A257.1-M1982)
or
(b) PVC SDR 28 for 150 mm diameter and SDR 35 for other sizes. (PVC pipe is not allowed in rock cuts).

(8) Notes on the plan which refer to the water services should be modified as noted on the attached excerpt from the plan.

The applicant/owner should be advised that a copy of the servicing drawings (final design) must be submitted to the Region's Roads Department, Sewer and Water Design Section, for review prior to sewer and water permit application.

The following comments were received from the Regional Transportation Department, Roads Division.

(1) In conjunction with this application, the applicant has also submitted Site Plan Control Application No. 35-2320 with the City of Stoney Creek for the portion of the development within their Municipal Boundary. Our comments on this application are attached for your information. Please note that the road widenings and daylight triangle required on Queenston Road and the intersection of Queenston Road are not identified correctly on the plan and to date have not been dedicated to the Region for road widening purposes. As these applications pertain to the same development, we recommend that as a condition of site plan approval that Part 16 on Reference Plan 62R-9499 be dedicated to the Region for road widening purposes. We also require that as a condition of site plan approval that a 12.19 m by 12.19 m daylight triangle be dedicated to the Region for road widening purposes. This triangle must be taken from widened northwest angle at the intersection of Donn Avenue and Queenston Road.

Cont'd..

**Site Plan Control Application
for DA-96-25 for lands located
at 973 and 975 Queenston Road
Stoney Creek for General Commercial
Use Building** (cont'd)

(2) As a condition of site plan approval the applicant/owner must pay all outstanding servicing and road (property) costs to the City of Hamilton on Donn Avenue prior to the City of Hamilton incorporating the 0.30 m reserve adjacent to Donn Avenue shown as Part 15 on Reference Plan 62R-8380. For your information we understand that the City of Hamilton constructed the section of Donn Avenue within the City of Stoney Creek and the City of Hamilton and the recovery of the road costs, etc. should include this entire section of Donn Avenue adjacent to the subject lands.

(3) Since these lands also are located within the City of Stoney Creek, we recommend that these site, grading and landscape plans be forwarded to the City of Stoney Creek for their review and comments. It is imperative that these application approvals are co-ordinated.

(4) We require 5 m by 5 m daylight visibility triangles between the access and the Donn Avenue road allowance limits in which the maximum height of any objects, mature vegetation, etc. is not to exceed 0.60 m above the corresponding perpendicular centreline elevation of Donn Avenue.

(5) Any other works which may occur within the Queenston Road road allowance limits, as widened, the daylight triangle and the Donn Avenue road allowance must conform to the respective Street's By-laws. The applicant/owner must contact all the respective utilities prior to any construction within the road allowances.

(6) The proposed privacy fence along the north property line should be set back a minimum of 5.0 m from the road allowance limits of Donn Avenue.

(7) The light standard relocation requires the approval of the City of Hamilton Department of Public Works and Traffic and must be relocated to their satisfaction. As the proposed access to Donn Avenue is located adjacent to a Hydro Vault, comments from Hamilton Hydro with respect to any setbacks from the vault, etc. should be considered.

Cont'd..

**Site Plan Control Application
for DA-96-25 for lands located
at 973 and 975 Queenston Road
Stoney Creek for General Commercial
Use Building** (cont'd)

If there are any queries regarding the Sewer and Water Design Section comments please contact Mr. H. J. Thomas Ho at 546-2436 (sanitary sewers) and Ms. C. Brenner at 546-4311 (water). With respect to the Roads Division comments please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to the grading and drainage issues.

Charles A. Unelli

Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW/HG
attach. DWW

cc: B. Reid, City of Stoney Creek Engineering Department

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Regional Environment Department
Development Division
71 Main Street West, 6th Floor
Hamilton, ON L8N 3T4

Fax (905) 546-2870

July 24, 1996

File No.: E270-0300
E220-1803
Attention of: D. Waddell
Tel. 546- 2434
Your File No.: 35-2320

The City of Stoney Creek
777 Highway No. 8, Box 9940
Stoney Creek, Ontario
L8G 4N9

Attention: Mr. I. Neville, P. Eng.

Dear Mr. Neville:

RE: K & H Creek Investments
973 & 975 Queenston Road
35-2320

Prior to us providing any approval with respect to Regional concerns with grading, Stoney Creek portion only, we require the following information and revisions be provided.

(1) Proposed elevations should be provided at the lot corners, and at a 15 m interval along the as widened property line adjacent to Queenston Road. These proposed elevations should be set such that road allowance does not drain onto the property and that the grade between the existing walk and the as widened property line is between 2 to 5 %.

(2) The geodetic bench mark used to establish elevations on the plan should be shown.

(3) As the 200 mm concrete storm sewer proposed within the Queenston Road road allowance would be under the jurisdiction of the City of Stoney Creek, the City, prior to any works being undertaken, should obtain approval from the Region with respect to the sewers intended location. The City should also verify that the intended outlet for this sewer, has sufficient capacity to handle the additional flows from the subject site.

Cont'd...

K & H Creek Investments
973 & 975 Queenston Road
35-2320 (cont'd)

The following comments have been received from the Regional Roads Department Sewer and Water Design Sections.

(1) This project is in the City of Hamilton and in the City of Stoney Creek; a sanitary private drain connection permit is required from the Regional Municipality of Hamilton-Wentworth.

(2) As the north portion of this project is in the City of Hamilton, the storm private drain connection is to be designed and approved in accordance with the M.O.E.E. and the Regional Municipality of Hamilton-Wentworth requirements.

Please provide the storm sewer design calculations and the drainage area plan to confirm that the new sewer system can be connected to the existing 200 mm storm private drain, Donn Avenue, as shown on the drawing.

(3) In accordance with sewer By-law No. R79-172, a permit and notification is required prior to commencement of any construction whether on the road allowance (private drains) or on private property (yard sewers).

For specific comments relating to the servicing of this development with water, the applicant/owner's consultant should contact Ms. C. Brenner, Project Manager at 546-4311.

The following comments have been received from the Region's Transportation Department, Roads Division.

We have reviewed the above application and submit the following comments:

(1) The designated road allowance width of Queenston Road is 36.58 m. According to our records, the Region acquired a portion of the road widenings shown as Part 16 on Reference Plan 62R-9499. As a condition of site plan approval, we require that a 3.048m road widening from the east limits of Part 16 on Reference Plan 62R-9499 to the east limits of the subject lands be dedicated to the Region.

We also require that as a condition of site plan approval that a 12.19 m by 12.19 m be dedicated to the Region at the widened limits of Queenston Road and Donn Avenue.

Cont'd...

K & H Creek Investments
973 & 975 Queenston Road
35-2320 (cont'd)

(2) According to the site plan submitted, the access to this site will from that section of Donn Avenue located within the City of Hamilton. Comments from the City of Hamilton Local Planning Division and the City of Hamilton Department of Public Works and Traffic with respect to on site maneuvering, access, setbacks, grading, etc. must be considered since a site plan agreement will also be required between the applicant and the City of Hamilton. Since this site is located partially within the City of Hamilton and the City of Stoney Creek, it is imperative that these matters be co-ordinated.

(3) As a condition of site plan approval the applicant/owner must pay all outstanding servicing and road costs to the City of Hamilton on Donn Avenue prior to the City of Hamilton incorporating the 0.30 m reserve adjacent to Donn Avenue shown as Part 15 on Reference Plan 62R-8380.

(4) We require 5 m by 5 m daylight triangles between the access and the Donn Avenue road allowance limits in which the maximum height of any objects, mature vegetation, etc. is not to exceed 0.60 m above the corresponding perpendicular centreline elevation of Donn Ave. This requirement also applies to the area at the north property line and the Donn Avenue road allowance limits to ensure adequate visibility for lands to the north.

(5) Any other works which may occur within the Donn Avenue road allowance, the Queenston Road road allowance, as widened, and the daylight triangle must conform to the respective Streets By-laws.

If there are any queries regarding the Roads Division comments please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to the grading and drainage issues.

Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW/HG

cc: P. Mallard, Planning Department
cc: R. Karl, Traffic Department
cc: C. Brenner, Roads Department

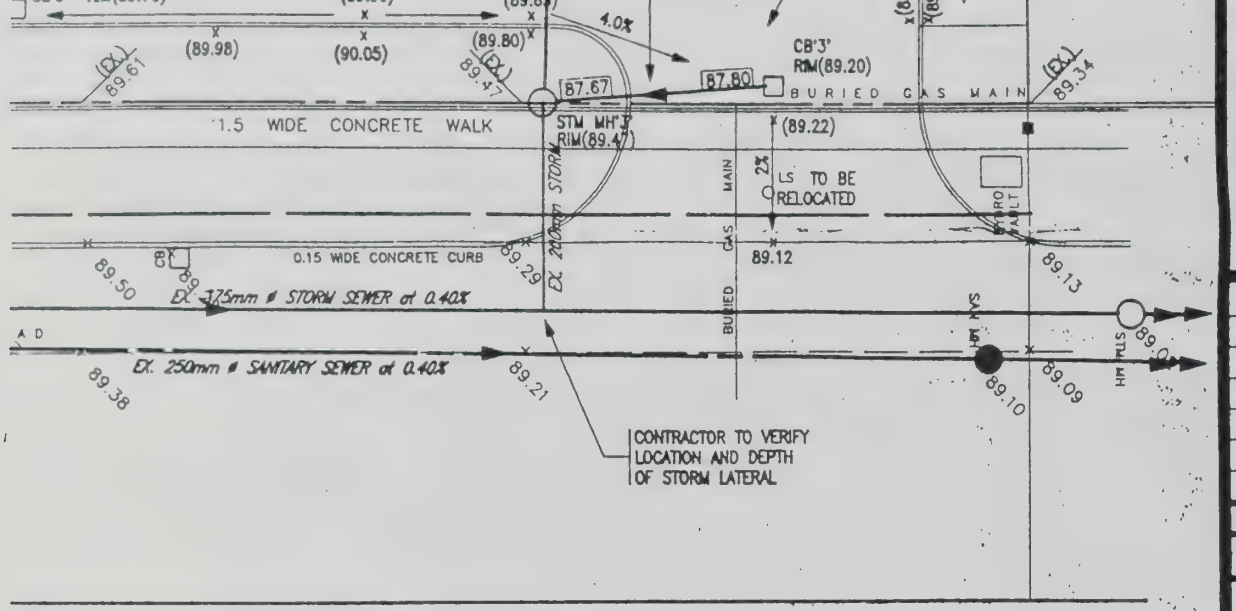
NOTES ON GRADING PLAN

(1) Any changes in grades and catch basins require the approval of the Commissioner, Regional Environment Department.

(2) All driveways from property lines for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10 % maximum grades.

(3) The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:

- Road cut permits
- Approach approval permits
- Committee of Adjustment
- Sewer permits
- Relocation of services
- Encroachment agreements (if required)



SERVICES

WATERMAINS

1. WATERMAINS AND PRIVATE WATER SERVICES SHALL BE CONSTRUCTED IN ACCORDANCE WITH REGIONAL STANDARDS AND SPECIFICATIONS, AND SHALL BE INSTALLED WITH MINIMUM 1.6m COVER.
2. BEDDING FOR WATERMAINS SHALL BE GRANULAR "B" AS PER RWS-500 SHEET 2 AND RHW FORM 1100.
3. MAXIMUM ALLOWABLE WATERMAIN DEFLECTION IS 5° – EACH JOINT SHALL BE DEFLECTED AN EQUAL AMOUNT.
4. APPURTENANCES: N/A
   - GATE VALVES AS PER RWS-76, VALVE BOXES AS PER RWS-308 (SET TO PROPOSED GRADE)
   - ANCHOR BLOCKS AS PER RWS-400.
5. MINIMUM 2.5m HORIZONTAL CLEARANCE BETWEEN WATERMAIN AND ANY SEWER.
6. VERTICAL CLEARANCE – MINIMUM 0.15m OVER ANY SEWER
   – MINIMUM 0.50m UNDER ANY SEWER
7. MAXIMUM 4 HOUR SHUTDOWN AT A TIME CONVENIENT TO REGION AND ABUTTING USERS. 24 HOURS NOTICE MUST BE GIVEN USING "REGIONAL MINICIPALITY OF HAMILTON-WENTWORTH NOTICE OF SHUTDOWN" TO ALL ABUTTING USERS.

N/A.

8. SIZE & LOCATION OF METERS REQUIRED & STANDARD

TWO RE WATER PERMITS REQUIRED

BENCHMA
ELEVATIO
No. 928
BELOW A
ELEVATIO

BENCHMA
CUT CRO
ELEVATIO

No.	Da
2	AU
1	AU

Design
C.A.D.
Scale:
5.0

Municipal
Ap
co
an

Signed

Consult

Municip
CI
CI
REGI

Title:
K &
97
SIT

Municip
Dwg.

Contra

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510/ Fax (905) 546-2419

1997 January 28

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Stephen Robichaud

Dear Sir:

Re: DA 96-25
973 and 975 Queenston Road

In response to your memorandum of 1997 January 22, please be advised that we have reviewed the revised plan regarding the above noted application and have the following comments.

We recommend that the northerly driveway be widened to 9.0 m at the property line, as shown on the attached plan. In addition, the applicant should be advised that all raised curbing should terminate at the property line.

We approve of the location of the access in principle, but the applicant should be advised that an application must be made to the Traffic Division, Department of Public Works and Traffic for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Should you require further information, please contact Bill Ferguson at 546-4575.

Yours truly,

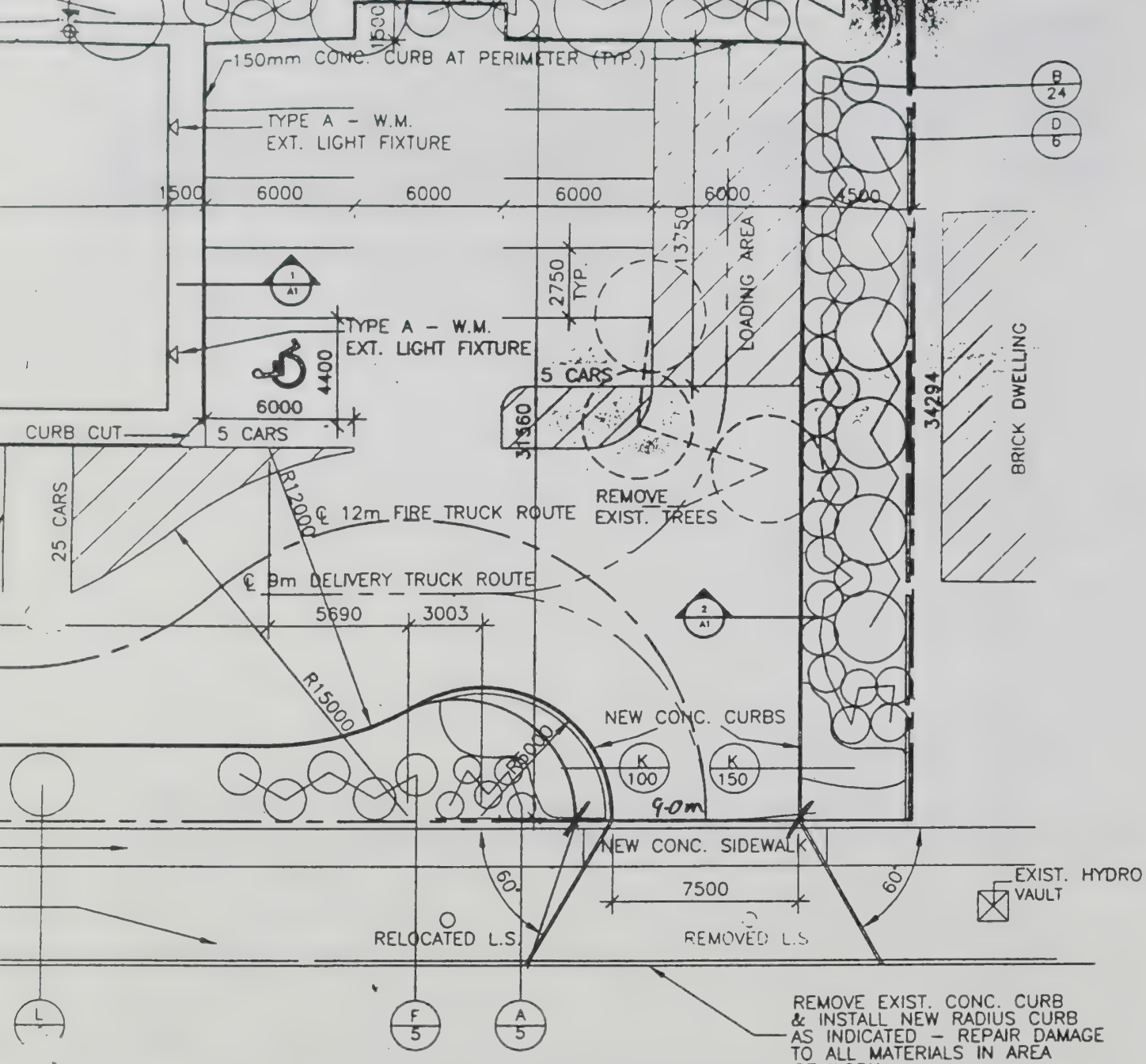
Roland Karl, P. Eng.
Manager of Traffic Planning

BF/kg
Attach.

c.c. Harold Groen, Development Co-ordinator, Roads Division

HAMILTON 1996

APPENDIX "C"



LANDSCAPE LEGEND

KEY	BOTANICAL NAME	CO
A	Euonymus	CANADALE GOLD
B	Euonymus	EMERALD GAIETY
C	Arborvitae	BERCKMAN'S GOLD C
D	Picea pungens glauca	COLORADO BLUE SPR
F	Taxus x media	SPREADING YEW
G	Cornus Elegantissima	DOGWOOD VARIEGATE
H	Pinus Mugho Mughus	MUGHO PINE
J	Potentilla fruticosa	JACKMAN POTENTILLA

ICATION

3 STOREYS

E

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 February 27

REPORT TO: Alderman D. Drury, Chairperson and Members
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

Approved Site Plan Application	-	Information Report dated 1997 February 25 from the Director, Planning and Development Department/Chief Administrative Officer

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The above-noted information report was distributed to all Members of the Planning and Development Committee on 1997 February 26.

URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1997



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 March 19
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL
MAR 17 1997
GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Proposed Official Plan Amendment in the Bayfront Industrial Area.

2. Zoning Application 97-02 by Rosart Properties, Inc., lessee, for a further modification to the established "G-1" District regulations for lands located at 310 Limeridge Road West.

   Submissions:
   a) Susan Woodrow, 21-299 Limeridge Rd. W.
   b) Sherry and John Noseworthy, 12-299 Limeridge Rd. W.
   c) Micheal and Sandi Falcone, 19-299 Limeridge R. W.
   d) Ron Cohen, 20-299 Limeridge Rd. W.
   e) Stan and Teresa Hollowell, 7-299 Limeridge Rd. W.

3. **DELEGATION**

   a) Micheal Dorion Re: Site Plan Control Application DA-94-32, Halam Park - request for a further release of funds

   b) Report from the Director of Planning and Development: Request for Security reduction for Site Plan Control Application DA-94-32, Halam Park, Co-operative Home. Inc.

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1997 March 19

4. DIRECTOR OF PLANNING AND DEVELOPMENT, DIRECTOR OF PROPERTY & CHIEF ADMINISTRATIVE OFFICER

Authorization for Staff Attendance at a Niagara Escarpment Hearing (Angela Drive). Retention of Development Control Regulation

5. CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF PROPERTY

Sale of Part 2, Plan 62R-3948, 161 Lanark Street, Hamilton
to 685810 Ontario Limited (Alan Davis)

6. CONSENT AGENDA

7. OTHER BUSINESS

8. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
3.	Zoning Requirements for Gambling Locations	1996 May 22	Referred to staff for report	Planning and Building Department staff to prepare report
4.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
5.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee To report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997) *Report back in 3 mos (by May 11 1997) re: actual recovery costs for the implementation and enforcement of the bylaw as well as a review of permit fees for businesses and licencing for operators
6.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
7.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
8.	ZA-96-11, 73 Garfield Avenue South	1996 November 20	Ward Alderman, residents and applicant to meet	Tabled to 1997 January
9.	ZAC-96-05, SAC-96-01, 177 Rymal Rd. E. and 1684 Upper Wellington St.	1996 December 4	Applicant and Neighbouring property owner to resolve property concern	1997 January 22 further tabled to 1997 February 19
10.	Resurrection of the Kirkendall/Chedoke Modified Neighbourhood Plan review Committee	1996 December 4	Alderman Request to table	Tabled

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
11.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and Incineration as a use regarding Hamilton Harbour Commission Lands	Report Forthcoming
12.	Front yard Parking and 50% greenspace provision	1997 March 5	staff report on the enforcement of the provision	Report forthcoming

1997 March 11

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 6
(OPA137)

MAR 1 2 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Official Plan Amendment in the Bayfront Industrial Area

RECOMMENDATIONS:

a) That approval be given to Official Plan Amendment No. redesignating four parcels of land in the Bayfront Industrial Area from "Open Water" to "Industrial" to recognize the prevailing zoning districts; and,

b) That the Director of Planning and Development be directed to prepare a by-law in a form satisfactory to the City Solicitor, to adopt Official Plan Amendment No. for presentation to City Council.

V.J. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On July 27, 1983, City Council passed By-law 83-240 which established the "K" (Heavy Industrial, etc.) District zoning for a number of water areas and land areas in the area of Piers 15 to 24 in the Bayfront Industrial Area. As part of the recent background preparatory work for the Hamilton Harbour Ontario Municipal Board hearing, it was determined by Planning and Development Department staff and Law Department staff that By-law 83-240 was passed while being in conflict with the City's Official Plan.

The City and the Hamilton Harbour Commissioners on February 18, 1997 signed "Minutes of Settlement" laying the groundwork to resolve all outstanding planning issues before the Ontario Municipal Board. The land and water areas part of by-law 83-240 are not an issue in the Minutes of Settlement.

Accordingly, an Official Plan Amendment would be required to ensure By-law 83-240 would not be in conflict with the Official Plan.

DETAILS OF THE PROPOSED OFFICIAL PLAN AMENDMENT:

As shown on the attached key map, the four areas identified by the cross-hatching are proposed to be redesignated from "Open Water" to "Industrial". Based on recent air photos, the easterly of the four areas has been filled and is a land area. The remaining three areas are still water areas. The rationale for designating water areas as "Industrial" and the intent of By-law 83-240 is outlined in the original staff report to the Planning and Development Committee dated July 30, 1981:

> *"The current "K" (Heavy Industry) zoning on the Bayfront Industrial Lands", is deemed to be appropriate to properly implement the new Official Plan designation of "Industrial".*
>
> *Although it is the policy of the Plan that existing water areas not be filled, a number of water-lots in this area could be legally filled, at any time, as they were deleted from Ontario Regulation 118/70 (The Conservation Authorities Act: Fill and Construction - Hamilton Region).*
>
> *In recognition of this, Industrial Policy 2.3.37 of the Plan specifies that:*
>
> *2.3.37 Where practicable, Council will encourage the efficient use of INDUSTRIAL lands associated with the waterfront. In this regard, it is the intent of Council that any lands as may be created by landfill from Pier 17 to the western side of Pier 23 in Hamilton Harbour, which are exempted from Ontario Regulation 118/70, as amended, excluding Windermere Basin, be utilized for INDUSTRIAL purposes.*
>
> *In keeping with the foregoing policy, it is the opinion of staff that the existing "K" zoning should be extended to include these areas. Additionally, those water lots which have already been filled should also be zoned "K"."*

At the time By-law 83-240 was passed, an Official Plan Amendment should have been undertaken. The areas designated as "Open Water" were clearly intended for a future use as "Industrial" because the "K" (Heavy Industrial, etc.) District zoning was put in place and a new policy in the then new Official Plan (A.2.3.37) exempted these areas from the relevant fill guidelines. , it stands now, the applicable zoning for these areas is in conflict with the Official Plan designation of "Open Water".

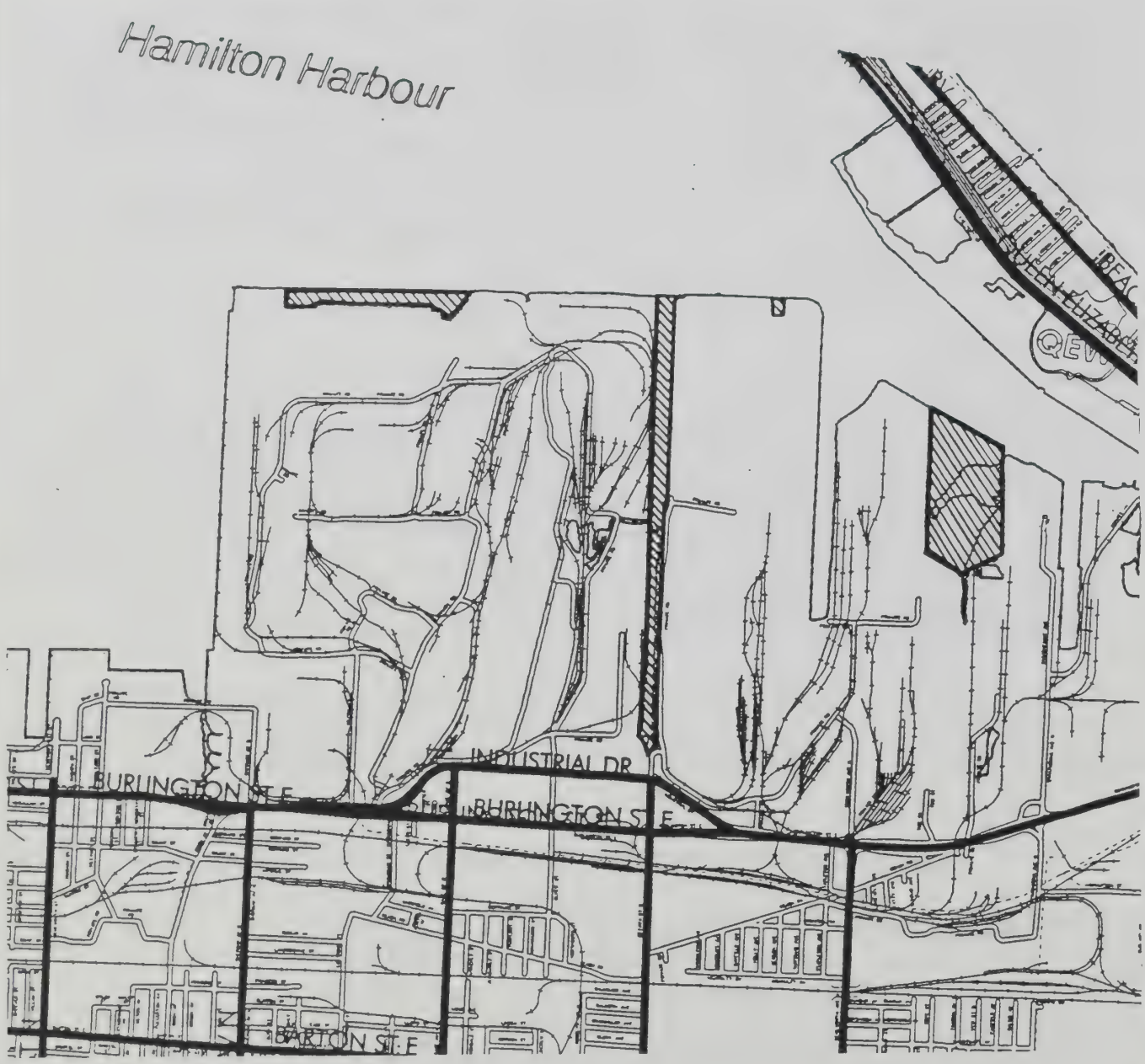
Accordingly, the proposed Official Plan Amendment to redesignate these areas to "Industrial" will correct this past oversight.

CONCLUSION:

By-law 83-240 designated a number of land areas and water areas in the area of Piers 15 to 24 of the Bayfront Industrial Area as "K" - Heavy Industrial. This by-law was adopted while being in conflict with the Official Plan which was not identified at the time. In order to remedy this situation, an Official Plan Amendment is required to redesignate four areas from "Open Water" to "Industrial" on Schedule "A" - Land Use Concept of the Official Plan. This action will remove the conflict that exists between the zoning in place for these areas and the relevant Official Plan designation.

KE/ke

n:\ke\opa-137



NOTE: All dimensions are in metres

City of Hamilton

Proposed Official Plan Amendment

Key Map

Planning and Development Department

Legend

Redesignation from Open Water to Industrial

North	Scale	Reference File No.
	Not to Scale	
	Date	Drawn By
	FEB. 1997	B.B.

2.

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 _ 1997

DATE: 1997 March 11
ZAR-97-02
Rolston Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in zoning - No. 310 Limeridge Road West.

RECOMMENDATIONS:

(a) That approval be given to Zoning Application 97-02, Rosart Properties Inc., lessee, for a further modification to the established "G-1" (Designed Shopping Centre) District regulations, to permit 1,190 m^2 (12,815 sq. ft.) of floor area, within the existing plaza, to be used for a bingo hall, for lands located at No. 310 Limeridge Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "G-1" (Designed Shopping Centre) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:

1) That notwithstanding Section 13A.(1), the following additional public use shall be permitted:

A) A public hall, which is a bingo hall, with a maximum gross floor area of 1,190 m^2, within the existing building only.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-486a, and that the subject lands on Zoning District Map W-17A be notated S-486a;

vi) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-17A for presentation to City Council; and,

vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the amending Zoning By-law not be forwarded for passage by City Council until such time as the applicant has removed the third driveway east of Kendale Court and the boulevard and curbing have been restored, at the owner's expense, to the satisfaction of the Commissioner of Public Works and Traffic.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a further modification to the established "G-1" (Designed Shopping Centre) District regulations, for lands located at No. 310 Limeridge Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit a maximum of 1,190 m^2 (12,815 sq. ft.) of floor area of the existing plaza at No. 310 Limeridge Road West, to be used for a bingo hall.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The application is to further modify the existing "G-1" (Designed Shopping Centre) District zoning, to permit 1,190 m^2 (12,815 sq. ft.) of floor area within the existing plaza to be utilized for a bingo hall, for lands located at No. 310 Limeridge Road West, as shown on the attached map marked as APPENDIX "A". The subject lands currently contain a shopping centre with 3,019.25 m^2 (32,500 sq. ft.) of gross floor area. A portion of the shopping plaza was previously occupied by a grocery store and is now vacant. Other retail commercial uses within the plaza include a variety store and a drug store, which are intended to be retained.

APPLICANT:

Rosart Properties Inc., lessee.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 173.0[illegible] m (567.6 ft.) of lot frontage on Limeridge Road West;
- 127.07 m (416.89 ft.) of flankage on Kendale Court; and,
- 1.10 ha (2.723 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands		
	Shopping Centre	"G-1" (Designed Shopping Centre) District, modified
Surrounding Lands		
To the north	Multiple dwellings (apartment buildings) and townhouse dwellings	"DE-2" (Multiple Dwellings) District, modified, and "DE" (Low Density Multiple Dwellings) District
To the south	Townhouse Dwellings	"D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, modified, and "RT-10" (Townhouse) District, modified
To the east	Church, schools and park	"AA" (Agricultural) District
To the west	Townhouse Dwellings	"DE" (Low Density Multiple Dwellings) District

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule "A" - Land Use Concept of the Official Plan. The Commercial policies categorize Shopping Centres with gross floor areas

between 2,000 m^2 and 14,000 m^2 as Neighbourhood Shopping Centres. The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" by the Approved Rolston Neighbourhood Plan. The proposal does not conflict with the Approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department comments are attached as APPENDIX "B".

- The Traffic Department has advised that:

  "We have no concerns over the proposed rezoning subject to the following condition. We respectfully request that the Zoning By-law be held in abeyance until the applicant removes the third driveway east of Kendale Court and the boulevard and curbing be restored at the owner's expense to the satisfaction of the Commissioner of Public Works and Traffic. This driveway was previously installed to facilitate movements to a service station. The service station has since been demolished and visibility from the driveway is restricted due to the curve of Limeridge Road and parked vehicles. The removal of the driveway will allow for safer traffic movements from this site."

- The Hamilton Region Conservation Authority have no comments or objections.

- The Roads Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The Region's Transportation Department, Roads Division have no comments with respect to this application."

- The Clerk's Department has advised that:

  "Please be advised that if this zoning application is approved, the permitted use of 310 Limeridge Road West for a bingo hall will be subject to the Provincial Criteria and Procedures for a New Bingo Hall. Amending the Zoning By-law to permit a public hall does not guarantee that a bingo hall will be approved for this location."

COMMENTS:

1. The proposal would not conflict with the intent of the Official Plan or the Approved Rolston Neighbourhood Plan.

2. The application has merit and can be supported on the following basis:

   - It does not conflict with the Official Plan or Approved Rolston Neighbourhood Plan, which designates the subject lands "Commercial".

   - The proposal would be similar in intensity to other commercial uses permitted within the "G-1" (Designed Shopping Centre) District, such as: major retail uses (eg. major grocery store), bowling alleys, and a theatre with a seating capacity of up to 1,000.

   - The subject lands are appropriately located on a major road, which is also a transit route.

   - There is not likely to be negative spillover effects on residential uses in the vicinity, for the following reasons:

     - The shopping centre requires 83 parking spaces, and approximately 155 spaces can be provided on-site. Consequently, on-site parking exceeds the minimum parking required, in accordance with Zoning By-law 6593. Furthermore, many of the patrons of the bingo hall use may be pedestrians from nearby residential areas, including multiple-family uses in the immediate area of the subject lands. Therefore, spillover parking resulting from the proposed use should be minimized.

     - The subject lands directly abut the Kendale Court road allowance to the north, the Limeridge Road road allowance to the south and west and an institutional use to the east. The lands do not directly abut residential uses.

3. Since the application is specifically for a bingo hall, the implementing By-law should restrict public hall uses to a bingo hall with a maximum floor area of 1,190 m^2 (12,815 sq. ft.) within the existing building only.

4. It should be noted that, in accordance with the City Clerk's comments, the establishment of the bingo hall is subject to approval in accordance with Provincial Criteria and Procedures for a New Bingo Hall.

5. The subject site currently has four accesses from Limeridge Road West. To facilitate safer traffic movements from the subject lands, the Traffic Division has recommended that the third access east of Kendale Court be removed, and the boulevard and curbing be restored, at the owner's expense, to the satisfaction of the Commissioner of Public Works and Traffic. Accordingly, the implementing By-law should be withheld pending fulfilment of this condition.

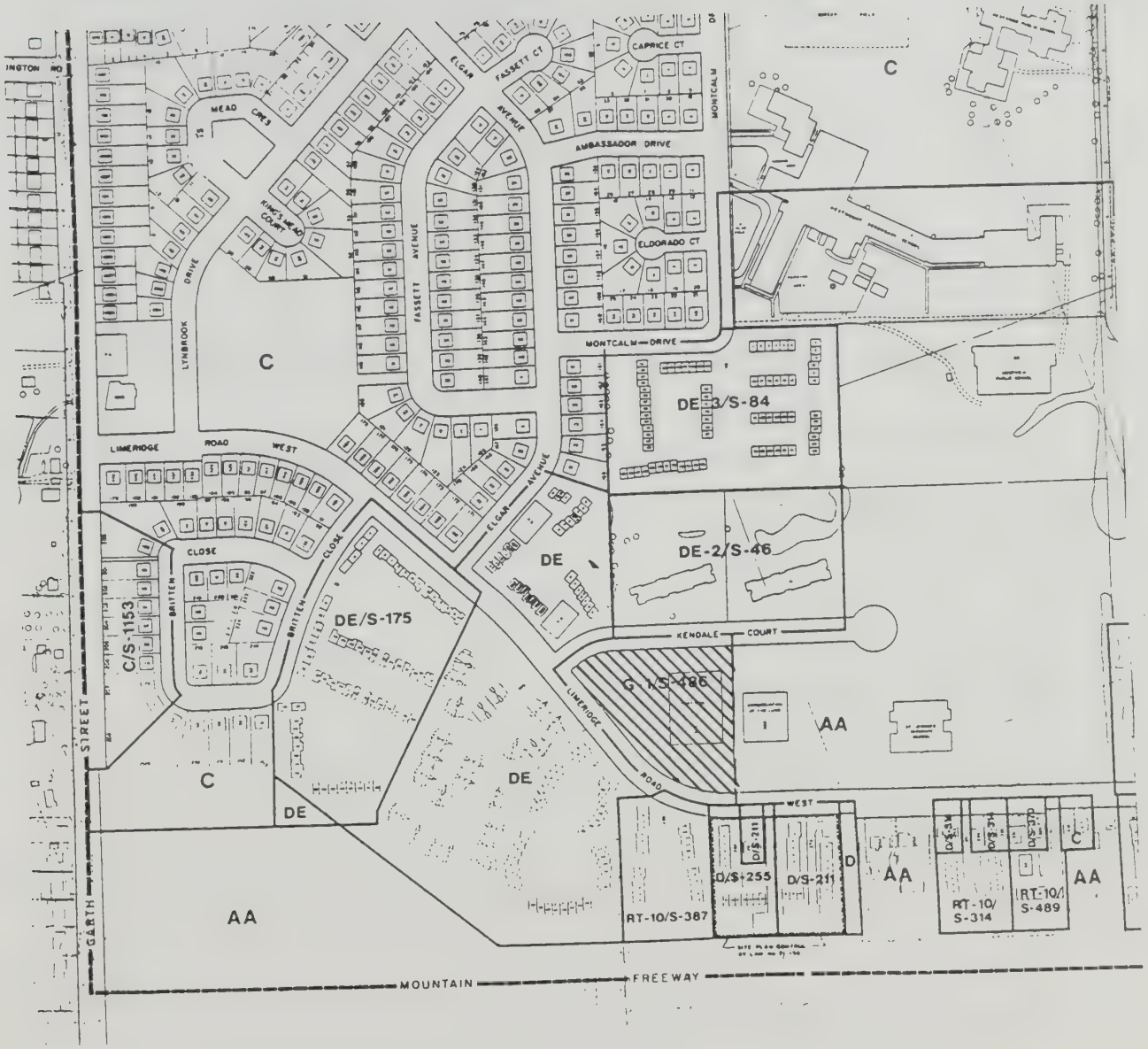
6. The subject lands are under Site Plan Control, however, since the application is for the addition of a use, and no external changes are proposed to the site (other than removal of an access as noted above), no Site Plan approval would be required.

7. The Building Department has commented that the existing parking and loading areas do not conform to the requirements of the Zoning By-law (ie. some of the parking spaces have insufficient manoeuvring space, one of the required loading spaces is not shown, etc.), and that elimination of four parking spaces in the centre of the parking area and establishment of parallel parking spaces adjacent to the northerly lot line could rectify the parking situation. As such, the applicant should be advised that the parking layout and location of loading spaces must be revised to bring them into conformity with the Zoning By-law.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

Site of the Application

ZAR-97-02

APPENDIX A

BUILDING DEPARTMENT
71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-2720 / Fax (905) 546-2764

City of
HAMILTON

FILE: ZAC-97-02
ATTENTION OF: Susan Parker
TELEPHONE NO: (905) 546-2722

1997 Marc 0

MAP NUMBER: W17A

PROPOSED ZONING: G-1 Modified

Mr. V. J. Abraham, M:C.I.P.
Director
Planning and Development Department
c/o Chief Administrative Office

Dear Sir:

RE: ZAC-97-02
310 Limeridge Road West

The above, under cover of your letter dated January 20, 1997, has been examined.

COMMENTS:

1. The use of a bingo hall is considered a "Public Hall" which is not permitted in the G-1 District.

2. For the purpose of required parking and loading, the building has mixed commercial use and is considered a shopping centre.

3. Based on a floor area of 3,019.25m^2, a minimum of 83 parking spaces and 2 loading spaces [1-3.7m x 18.0m x 4.3m and 1-3.55m x 18.0m x 4.3m as granted by Committee of Adjustment A-86:107].

4. The parking area does not conform to the parking requirements. The parking spaces north of the building have insufficient manoeuvring space aisle width and access driveway. Furthermore, four (4) of the parking spaces in the centre area of the parking area are overlapped by the required manoeuvring space for the parking spaces along Limeridge Road West lot line and Kendale Court lot line.

Continued on Page Two .....

APPENDIX B

5. The elimination of four (4) parking spaces in the centre area of the parking and establishing parallel parking spaces adjacent to the northerly lot line and in the area north of the building would correct the parking area.

6. The site plan should show the two (2) required loading spaces.

Yours truly

S. K. Parker

for the Building Commissioner

SP/bel

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department; L.King, Building Commissioner 1997 March 10

2a)

Susan A. Woodrow
21-299 Limeridge Rd. W
Hamilton, Ont L9C 2V4

March 4, 1997

MAR 07 1997

The Corporation of the City of Hamilton
The Secretary, Planning and Development Committee
71 Main St W
Hamilton, On L8N 3T4

RE: PLANNING DEPARTMENT FILE # ZAR-97-02

I am very much opposed to the application by Rosart Properties, Inc., lessee, for a further modification to the established "G-1" (Designed Shopping Centre) District regulations, for lands located at 310 Limeridge Rd. W. and I feel very strongly that the proposed modification in zoning to permit 12,815 sq. ft. of the existing shopping centre to be utilized for a bingo hall should **NOT BE ADOPTED.**

I own Unit #21, at 299 Limeridge Rd. W., (identified as "RT-10/S-387" on the map which was enclosed with the information I received from the Planning and Development Committee).

The Limeridge Rd. W. neighbourhood between Garth and West 5th is a densely populated area which is primarily residential. There is a school and a church in the immediate area and other schools and churches nearby; there are a lot of pedestrians and many automobiles that access Limeridge Rd. W. from private driveways, some of which are hidden. The speed limit is 40 KM./HR. on Limeridge Rd. W. at the access to the existing Shopping Centre. This speed limit was obviously implemented due to safety concerns for the many children, adults, and seniors, and the disabled, who live here.

I do not know how long 310 Limeridge Rd. W. has been zoned as a Shopping Centre, but I do know that since I moved here in October 1983 the residential population has increased! I also know that since Fortino's closed, the neighbourhood has improved!

It is my understanding that when the East/West Expressway opens (to the south of Limeridge Rd.) that Limeridge Road will not be a through street. This is excellent because it will enhance the neighbourhood...less traffic, less noise, less congestion.

These are the very reasons I am opposed to the proposed Bingo Hall. It will create more traffic problems, more noise, more congestion; more safety hazards for pedestrians; not only ALL MORNING, AFTERNOON, AND EVENING, but quite likely AFTER MIDNIGHT too!! ...SEVEN DAYS A WEEK!!

I sincerely hope that the Planning & Development Committee will take the time and effort required to understand the negative impact the proposed Bingo Hall will have on this neighbourhood. I trust the Planning and Developing Committee will do the right thing, on behalf of all those that are opposed, and reject the application for a further modification which would allow a Bingo Hall to be located here.

Kindest regards,

Susan Woodrow

Susan Woodrow (905) 575-0666

26)

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department; L.King, Building Commissioner on 199 7 March 10

March 7 1997

MAR 10 1997

The Corporation of the City of Hamilton
The Secretary, Planning and Development Committee
71 Main St W
Hamilton, On L8N 3T4

RE: PLANNING DEPARTMENT FILE # ZAR-97-02

I am very much opposed to the application by Rosart Properties, Inc., lessee, for a further modification to the established "G-1" (Designed Shopping Centre) District regulations, for lands located at 310 Limeridge Rd. W. and I feel very strongly that the proposed modification in zoning to permit 12,815 sq. ft. of the existing shopping centre to be utilized for a bingo hall should NOT BE ADOPTED.

I live in Unit # 12 at 299 Limeridge Rd. W., (identified as "RT-10/S-387" on the map which was enclosed with the information I received from the Planning and Development Committee).

The Limeridge Rd. W. neighbourhood between Garth and West 5th is a densely populated area which is primarily residential. There is a school and a church in the immediate area and other schools and churches nearby; there are a lot of pedestrians and many automobiles that access Limeridge Rd. W. from private driveways, some of which are hidden. The speed limit is 40 KM./HR. on Limeridge Rd. W. at the access to the existing Shopping Centre. This speed limit was obviously implemented due to safety concerns for the many children, adults, and seniors, and the disabled, who live here.

I do not know how long 310 Limeridge Rd. W. has been zoned as a Shopping Centre, but I do know that since I moved here 1992 the residential population has increased! I also know that since Fortino's closed, the neighbourhood has improved!

It is my understanding that when the East/West Expressway opens (to the south of Limeridge Rd.) that Limeridge Road will not be a through street. This is excellent because it will enhance the neighbourhood...less traffic, less noise, less congestion.

These are the very reasons I am opposed to the proposed Bingo Hall. It will create more traffic problems, more noise, more congestion; more safety hazards for pedestrians; not only ALL MORNING, AFTERNOON, AND EVENING, but quite likely AFTER MIDNIGHT too!! ...SEVEN DAYS A WEEK!!

I sincerely hope that the Planning & Development Committee will take the time and effort required to understand the negative impact the proposed Bingo Hall will have on this neighbourhood. I trust the Planning and Developing Committee will do the right thing, on behalf of all those that are opposed, and reject the application for a further modification which would allow a Bingo Hall to be located here.

Kindest regards,

Yours Truly,
John Noseworthy

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department; L.King, Building Commissioner on 199 7 March 11 ✓ 12pm.

22

March 1997

MAR 11 1997

The Corporation of the City of Hamilton
The Secretary, Planning and Development Committee
71 Main St W
Hami ~n, On L8N 3T4

RE: PLANNING DEPARTMENT FILE # ZAR-97-02

I am very much opposed to the application by Rosart Properties, Inc., lessee, for a further modification to the established "G-1" (Designed Shopping Centre) District regulations, for lands located at 310 Limeridge Rd. W. and I feel very strongly that the proposed modification in zoning to permit 12,815 sq. ft. of the existing shopping centre to be utilized for a bingo hall should **NOT BE ADOPTED.**

I live in Unit # 19 at 299 Limeridge Rd. W., (identified as "RT-10/S-387" on the map which was enclosed with the information I received from the Planning and Development Committee).

The Limeridge Rd. W. neighbourhood between Garth and West 5th is a densely populated area which is primarily residential. There is a school and a church in the immediate area and other schools and churches nearby; there are a lot of pedestrians and many automobiles that access Limeridge Rd. W. from private driveways, some of which are hidden. The speed limit is 40 KM./HR. on Limeridge Rd. W. at the access to the existing Shopping Centre. This speed limit was obviously implemented due to safety concerns for the many children, adults, and seniors, and the disabled, who live here.

I do not know how long 310 Limeridge Rd. W. has been zoned as a Shopping Centre, but I do know that since I moved here 5 YEARS the residential population has increased! I also know that since Fortino's closed, the neighbourhood has improved!

It is my understanding that when the East/West Expressway opens (to the south of Limeridge Rd.) that Limeridge Road will not be a through street. This is excellent because it will enhance the neighbourhood...less traffic, less noise, less congestion.

These are the very reasons I am opposed to the proposed Bingo Hall. It will create more traffic problems, more noise, more congestion; more safety hazards for pedestrians; not only ALL MORNING, AFTERNOON, AND EVENING, but quite likely AFTER MIDNIGHT too!! ...SEVEN DAYS A WEEK!!

I sincerely hope that the Planning & Development Committee will take the time and effort required to understand the negative impact the proposed Bingo Hall will have on this neighbourhood. I trust the Planning and Developing Committee will do the right thing, on behalf of all those that are opposed, and reject the application for a further modification which would allow a Bingo Hall to be located here.

Kindest regards, Robert Falcone, Sandra Falcone

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department; L.King. Building Commissioner on 1997 March 11 V3/12 VT. 2d)

March 1997

The Corporation of the City of Hamilton
The Secretary, Planning and Development Committee
71 Main St W
Hamilton, On L8N 3T4

MAR 11 1997

RE: PLANNING DEPARTMENT FILE # ZAR-97-02

I am very much opposed to the application by Rosart Properties, Inc., lessee, for a further modification to the established "G-1" (. signed Shopping Centre) District regulations, for lands located at 310 Limeridge Rd. W. and I feel very strongly that the proposed modification in zoning to permit 12,815 sq. ft. of the existing shopping centre to be utilized for a bingo hall should NOT BE ADOPTED.

I live in Unit # 20 at 299 Limeridge Rd. W., (identified as "RT-10/S-387" on the map which was enclosed with the information I received from the Planning and Development Committee).

The Limeridge Rd. W. neighbourhood between Garth and West 5th is a densely populated area which is primarily residential. There is a school and a church in the immediate area and other schools and churches nearby; there are a lot of pedestrians and many automobiles that access Limeridge Rd. W. from private driveways, some of which are hidden. The speed limit is 40 KM./HR. on Limeridge Rd. W. at the access to the existing Shopping Centre. This speed limit was obviously implemented due to safety concerns for the many children, adults, and seniors, and the disabled, who live here.

I do not know how long 310 Limeridge Rd. W. has been zoned as a Shopping Centre, but I do know that since I moved here _____ the residential population has increased! I also know that since Fortino's closed, the neighbourhood has improved!

It is my understanding that when the East/West Expressway opens (to the south of Limeridge Rd.) that Limeridge Road will not be a through street. This is excellent because it will enhance the neighbourhood...less traffic, less noise, less congestion.

These are the very reasons I am opposed to the proposed Bingo Hall. It will create more traffic problems, more noise, more congestion; more safety hazards for pedestrians; not only ALL MORNING, AFTERNOON, AND EVENING, but quite likely AFTER MIDNIGHT too!! ...SEVEN DAYS A WEEK!!

I sincerely hope that the Planning & Development Committee will take the time and effort required to understand the negative impact the proposed Bingo Hall will have on this neighbourhood. I trust the Planning and Developing Committee will do the right thing, on behalf of all those that are opposed, and reject the application for a further modification which would allow a Bingo Hall to be located here.

Kindest regards,

Ken Cochrane

2e

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department; L.King, Building Commissioner on 199 7 March 11 ✓ 3/11 JT.

March 11, 1997

Mrs. T. Agnello
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: 310 Limeridge Rd. W., ZAR-97-02

Dear Mrs. Agnello:

We wish to be registered as opposed to the application by Rosart Properties, Inc., lessee, for a further modification to the established "G-1" (Designated Shopping Centre) District regulations, for lands located at 310 Limeridge Road West in order to permit 12,815 sq. ft. of the existing shopping centre to be utilized for a bingo hall.

We live in Unit 7 at 299 Limeridge Road West which is directly across the street from the above mentioned shopping centre. The Limeridge Road West area between Garth and West 5th. Streets is a densely populated area which is primarily residential. There are numerous townhouse complexes, apartment buildings and single family homes in a narrow corridor north of the expressway. There is a school and church adjacent to the shopping centre and other schools and churches nearby. There is a great deal of pedestrian traffic on Limeridge Road West and many automobiles. The amount of pedestrian traffic crossing Limeridge Road West just east of the shopping centre required both the provision of a school crossing guard and traffic signal to ensure pedestrian safety, most of whom are children.

The speed limit is 40 km. an hour which is not well enforced and is ignored by many drivers. This speed limit was implemented due to a concern for the safety of the many children, adults, seniors and disabled who live in the immediate area of the shopping centre. The Fortinos store which was located in the shopping centre recently closed and there has been an improvement in vehicular traffic which we would like to see continue. A Big Bear Food Market and a real estate office are currently preparing to occupy a portion of the former Fortinos store. We favour these smaller enterprises in this shopping centre which can service the residents in the immediate area and not increase vehicular traffic and noise.

Limeridge Road West at Upper James Street will be closed later this year to accommodate the Upper James and Limeridge Road expressway interchange. Increasing traffic on Limeridge Road west of Upper James after this closure would not be safe. The closure of Limeridge Road at Upper James is a positive step for our neighbourhood as it should decrease vehicular traffic, resulting in less noise and congestion.

Permitting the establishment of a bingo hall in this area would be detrimental to our neighbourhc . for the reasons we have outlined above. Bingo halls operate late in the evening and generate a substantial amount of vehicular traffic, litter and noise.

We sincerely hope the Planning and Development Committee will take the time to consider the views of the residents in the immediate area and not approve the application which we feel would negatively impact on our neighbourhood.

Yours very truly,

Stan & Teresa Hollowell

Stan and Teresa Hollowell
299 Limeridge Rd. W., Unit 7
Hamilton, Ontario
L9C 2V4

3a)

Copy sent to Victor Abraham, Director, Planning and Development Department; and, Patrice Noé Johnson, City Solicitor - 1997 February 26

ENERPLAN
BUILDING CONSULTANTS
69 JUDSON STREET, ETOBICOKE, ONTARIO M8Z 1A4 FAX (416) 252-7523
TORONTO (416) 252-7259
HAMILTON (905) 318-5988
KITCHENER (519) 744-5399

February 24, 1997

CITY OF HAMILTON **FAX (905) 546-2095**
City Clerks Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Tina Agnello
Secretary of Planning & Development Committee

Dear Chairman and Committee Members:

Re: Site Plan Control Application
DA-94-32 Halam Park
Co-operative Homes Inc.

On behalf of Halam Park Co-operative, ENERPLAN BUILDING CONSULTANTS has prepared the following, to request for additional draw down of the Site Plan Control securities being held for the current rehabilitation project.

As outlined in the agreement, 50% of the total value of the set amount can be drawn down based on the amount completed which is valued at approximately $506,182.00. After which a value of approximately $253,091.00 will be retained to the completion of the project as per the agreement.

However, it must be noted that the current value of work required is significantly lower, approximately $70,000.00 than the amount being held as identified in the Chart below:

Item	Quantity	Unit Rate	Cost	Completed	Percentage Value
1. Curb	973 m	18/m	$17,514.00	100%	$17,514.00
2. Concrete Sidewalk	1465 m^2	$45/$m^2$	$65,925.00	100%	$65,925.00
3. Play Areas	-	lot	$80,000.00	100%	$80,000.00
4. Landscaping	(see attached breakdown)		$50,000.00	50%	$25,000.00
5. Regrading	—	lot	$180,000.00	80%	$144,000.00
6. Fencing					
• Chain Link Fence	255 m	$60/m	$15,300.00	80%	$12,240.00
• Privacy Fence	568 m	$42/m	$23,856.00	90%	$21,470.00
7. Sitting Area (Concrete)	1100 m^2	$70/$m^2$	$77,000.00	100%	$77,000.00
8. Asphalt Paving	3970 m^2	$32/$m^2$	$127,040.00	100%	$127,040.00
9. Retaining Wall	30 m	$150/m	$4,500.00	100%	$4,500.00
10. Precast Concrete Step	48 nos.	—	$75,000.00	100%	$75,000.00
11. Storm Sewers, Catch Basins & MH.	—	lot	$185,000.00	100%	$185,000.00
12. Street Connection	3	15,000	$45,000.00	100%	$45,000.00
Total Amount GST Excluded			$946,135.00	93%	$879,689.00
Total Amount GST Included			$1,012,364.00		$941,267.00

Copy sent to Willy Wong, Building Department and Eugene Chajka, Transportation/Environmental Services - 1997 February 27

As the remaining work is being held up due to seasonal conditions, we would request that a further release of funds be considered (approximately half that are being held). The release of additional funds are required to pay the General Contractor for work that has been completed to date and the overall operation of the project. Although, if granted, additional funds are drawing down, a significant amount of money will remain with the City to rectify any or all outstanding work that may be requ d.

We trust all required information is in order for the Committees consideration, however, if further is required, please contact me directly.

Sincerely,

Michael Doiron, B. Tech. (Arch.)
Manager - Project Management Department

MD/mb

cc Don Pury - Chairman of the Committee
Dale Holland - WWNPH

3b)

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 3 1997

DATE: 1997 March 13
DA-94-32
Burkholme Neighbourhood

REPORT TO: Tina Agnello, Secretary
of the Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for security reduction related to Site Plan Control Application DA-94-32 for lands bounded by East 27th Street, Halem Avenue and East 25th Street, also known as Halem Park.

RECOMMENDATION:

That the securities related to Site Plan Control Application DA-94-32 by Halem Park Housing Co-operative Inc., lessee of lands bounded by East 27th Street, Halem Avenue and East 25th Street, as shown on the attached map marked as Appendix "A", be retained at a minimum 50% of the construction costs in accordance with Council policy.

V. J. Abraham

for CAO

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Redevelopment plans for the townhouse project were approved by the Planning and Development Committee on March 9, 1995, and the Site Plan Agreement was registered on title of the land

on April 23, 1996. The total cost estimate was established at $1,012,364.00 of which 75% being $759,273 was provided in the form of financial security to the City of Hamilton.

The applicant has submitted an Engineer's Certificate, attached as Appendix "B", outlining the items cost amount and the percentage completed. It is requested that the City retain a total of $70,000.00 which is 6.915% of the total estimated construction costs.

COMMENTS:

The development of the subject lands involved renovations of existing buildings and site improvements in sidewalks, plantings, fencing, minor grade changes, and drainage systems. The majority of the work has been completed with chain link fencing, privacy fencing and landscape works only partially installed.

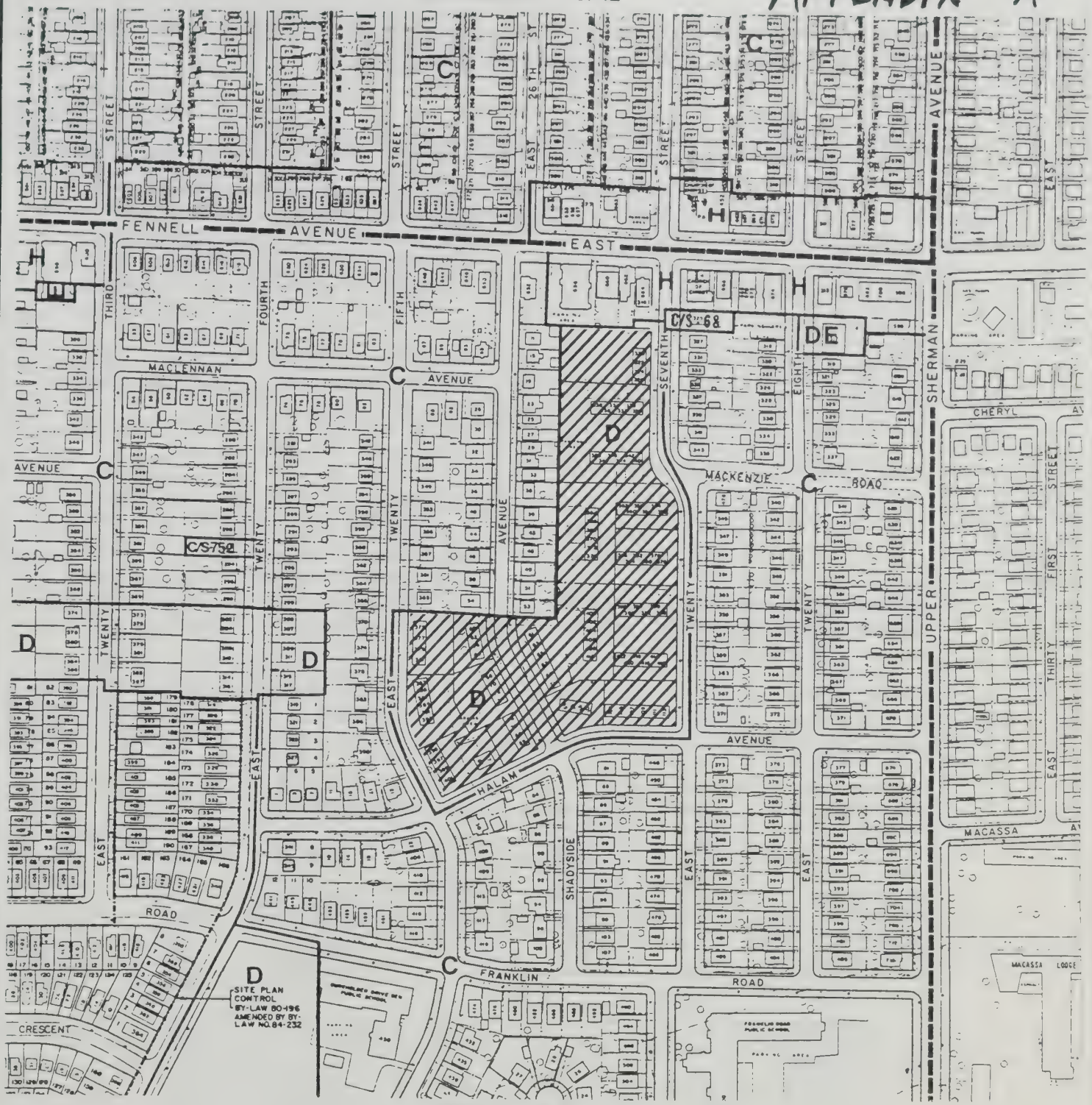
During construction of the project, the applicant can request a reduction in the security held by the City down to $506,182.00, which is 50% of the total cost estimate, as permitted by City Council policy. A partial refund has been requested and a cheque in the amount of approximately $191,000.00 was issued on March 3, 1997. The applicant has now requested a further refund and that the City retain a total of $70,000.00 which is 6.915% of the total estimated construction costs.

The various departments have reviewed the request and have indicated concern that sufficient securities should be retained to ensure a monetary incentive that the project is completed in accordance with the approved plans and in a timely manner. For this purpose, the established policy of 50% of the total construction costs should be maintained.

However, should consideration be given to allowing the requested reduction, an amount equivalent to 1.5 times the remaining cost estimate should be retained, which would include the works to be completed and a contingency amount. This would be ($70,000.00 x 1.5) or $105,000.00 in this instance.

jps/da94-32.R2/march13.

APPENDIX "A"



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-94-32

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-94-32
	Date	Drawn By
	DECEMBER 1994	Z. K.

APPENDIX "B"

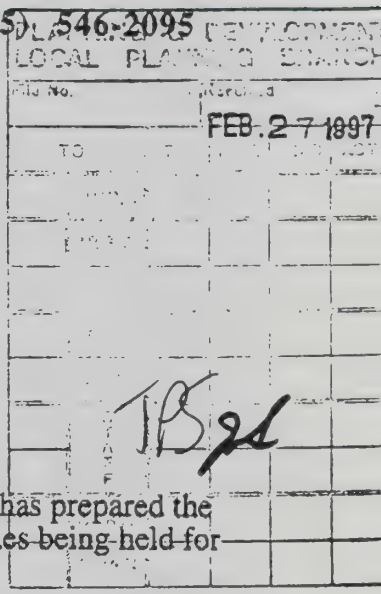
Copy sent to Victor Abraham, Director, Planning and Development Department; and, Patrice Noé Johnson, City Solicitor - 1997 February 26

ENERPLAN
BUILDING CONSULTANTS 69 JUDSON STREET, ETOBICOKE, ONTARIO M8Z 1A4 FAX (416) 252-7523
TORONTO (416) 252-7259
HAMILTON (905) 318-5988
KITCHENER (519) 744-5399

February 24, 1997

CITY OF HAMILTON
City Clerks Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

FAX (905) 546-2095



Attention: Tina Agnello
Secretary of Planning & Development Committee

Dear Chairman and Committee Members:

Re: Site Plan Control Application
DA-94-32 Halam Park
Co-operative Homes Inc.

On behalf of Halam Park Co-operative, ENERPLAN BUILDING CONSULTANTS has prepared the following, to request for additional draw down of the Site Plan Control securities being held for the current rehabilitation project.

As outlined in the agreement, 50% of the total value of the set amount can be drawn down based on the amount completed which is valued at approximately $506,182.00. After which a value of approximately $253,091.00 will be retained to the completion of the project as per the agreement.

However, it must be noted that the current value of work required is significantly lower, approximately $70,000.00 than the amount being held as identified in the Chart below:

Item	Quantity	Unit Rate	Cost	Completed	Percentage Value
1. Curb	973 m	18/m	$17,514.00	100%	$17,514.00
2. Concrete Sidewalk	1465 m^2	$45/$m^2$	$65,925.00	100%	$65,925.00
3. Play Areas	-	lot	$80,000.00	100%	$80,000.00
4. Landscaping	(see attached breakdown)		$50,000.00	50%	$25,000.00
5. Regrading	—	lot	$180,000.00	80%	$144,000.00
6. Fencing					
• Chain Link Fence	255 m	$60/m	$15,300.00	80%	$12,240.00
• Privacy Fence	568 m	$42/m	$23,856.00	90%	$21,470.00
7. Sitting Area (Concrete)	1100 m^2	$70/$m^2$	$77,000.00	100%	$77,000.00
8. Asphalt Paving	3970 m^2	$32/$m^2$	$127,040.00	100%	$127,040.00
9. Retaining Wall	30 m	$150/m	$4,500.00	100%	$4,500.00
10. Precast Concrete Step	48 nos.	—	$75,000.00	100%	$75,000.00
11. Storm Sewers, Catch Basins & MH.	—	lot	$185,000.00	100%	$185,000.00
12. Street Connection	3	15,000	$45,000.00	100%	$45,000.00
Total Amount GST Excluded			$946,135.00	93%	$879,689.00
Total Amount GST Included			$1,012,364.00		$941,267.00

ENERPLAN

As the remaining work is being held up due to seasonal conditions, we would request that a further release of funds be considered (approximately half that are being held). The release of additional funds are required to pay the General Contractor for work that has been completed to date and the overall operation of the project. Although, if granted, additional funds are drawing down, a significar nount of money will remain with the City to rectify any or all outstanding work that may be required.

We trust all required information is in order for the Committees consideration, however, if further is required, please contact me directly.

Sincerely,

Michael Doiron, B. Tech. (Arch.)
Manager - Project Management Department

MD/mb

cc Don Pury - Chairman of the Committee
Dale Holland - WWNPH

4.

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 3 1997

DATE: 1997 March 7
D.8.1
(Westcliffe Neighbourhood)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

D.W. Vyce,
Director of Property

SUBJECTS: Authorization for Staff Attendance at a Niagara Escarpment Hearing (Angela Drive)

Retention of Development Control Regulation

RECOMMENDATIONS:

a) That City Council endorse the continuation of Niagara Escarpment Commission Development Permit Application No. W/R/96-97/87, respecting the unopened road allowance on Angela Drive, as shown on the attached map marked as APPENDIX "A" and that the appropriate staff (eg. Law, Property and Planning and Development Departments) be authorized to attend a Niagara Escarpment Hearing in support of this application.

b) That the Niagara Escarpment Commission, on behalf of the City of Hamilton, forward a request to the Minister to delay the signing of the regulation to remove the development control regulation for the unopened road allowance on Angela Drive until this matter is resolved.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each will be required, for one representative from the Property and Planning and Development Departments (approximately $250 each) and one from the Law Department (approximately $1,000), for preparation and attendance at the Niagara Escarpment hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

- Location

  The unopened road allowance is located on the west side of Scenic Drive, opposite Angela Avenue, between 748 and 760 Scenic Drive. It was part of Subdivision Plan 603 and is owned by the City.

  The property has a frontage of 20.24 m (66.4 ft) on Scenic Drive, but being a road allowance, it has an average width of 20 m (66 ft.); a maximum depth of 26.07 m (85.54 ft.) and an average depth of 25.24 m (82.8 ft.); and a lot area of 511.2 m^2 (5,503 sq.ft).

- Planning Documents

  The lands are designated RESIDENTIAL on Schedule "A" of the Official Plan. At the present time, the lands are within the Development Control area under the jurisdiction of the Niagara Escarpment Commission. The development control regulations are intended to be removed by the end of March. Once the regulations are removed, then the "B-1" Zoning will come into effect for the subject lands. Under the "B-1" Zoning, the proposed lot width would be greater than the minimum 15 m; however, the lot area would be smaller than the minimum required (511.2 m^2 vs. 650 m^2). In addition, due to the

irregular configuration of the site, the proposed location of the single-family dwelling provided for a rear yard setback of 6.5 m instead of the required 7.5 m.

- Future Intended Land Use

At its meeting of October 8, 1996, City Council declared the property surplus to the requirements of the City in accordance with Realty Sales Procedural By-Law 95-049 for the purpose of selling the property. Previously, the Property Department initiated an application with the Roads Division to stop up, close and sell the subject portion of road allowance. A report dealing with the road closure was presented to the Transport and Environment Committee from the Commissioner of Public Works and Traffic on 1997 February 25, and was tabled, pending the outcome of the Niagara Escarpment hearing.

Through the road closure process, the adjacent property owners will be given the first opportunity to purchase the abutting half of the road allowance at market value. If only one of the adjacent property owners wishes to buy it, he/she would have to pay full market value for the entire parcel of land. If neither of the two adjacent property owners decides to purchase the abutting half of the road allowance, then the City will market the entire site for sale as a single detached residential building lot.

The intent is to create a building lot to be used for a single family dwelling. On 1996 October 10, the City made an application to the NEC for a development permit for a single family dwelling. On 1997 January 16, the NEC approved the development permit application subject to a number of conditions, including that prior to the issuance of a Development Permit, the NEC shall be advised by the City that the application to stop up, close and sell the road allowance has been approved. In the NEC staff report, it was explained that the proposed lot area of 511.2 m^2 is less than that required under the City's "B-1" zoning and the rear yard setback is proposed to be 6.5 m instead of 7.5 m.

The decision of the NEC was sent to many property owners in the vicinity, located within 400 feet of the subject site. This decision was appealed by three property owners, two located on West 35th Street and one at 760 Scenic Drive (the adjacent property owner to the south). Accordingly, the Niagara Escarpment Commission, through its hearing office, has scheduled a hearing for April 29, 1997.

- Removal of Development Control Regulations

The NEC is in the midst of preparing the necessary paperwork related to the removal of the regulations. If these regulations are removed prior to the April 29 hearing then the zoning would be in effect. In this regard, the City would have to apply to the Committee of Adjustment for variances to the lot size and rear yard setback. This matter is likely to be appealed to the OMB. As a result, the sale of the land would be held up until a decision is rendered by the OMB. This process could take 6 months to a year away.

To resolve this problem, it would be appropriate to retain the development control regulation so the NEC hearing can proceed. The regulation would then be removed once the matter has been resolved.

For t' 'nformation of the Committee, the Law Department will forward a separate report to the Committee upon having reviewed the entire matter in greater detail.

CONCLUSION:

On the basis this property is owned by the City and it has been deemed surplus by City Council, it is appropriate to request City Council to endorse the continuation of Niagara Escarpment Commission Development Permit Application No. W/R/96-97/87 and to seek the Planning and Development Committee's authorization for the appropriate staff to attend the NEC hearing for this application.

In addition, the Niagara Escarpment Commission, on behalf of the City of Hamilton, forward a request to the Minister to delay the signing of the regulation to remove the development control regulation for the unopened road allowance on Angela Drive until this matter is resolved.

JHE/KA
s:\coh_cpl_\joanne\nec

cc. Patrice Noé Johnson, LL.B., M.A.
City Solicitor



Legend

Location

N.T.S.

5.

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 2 1997

DATE: 1997 March 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. G. Pavelka, P. Eng.
Chief Administrative Officer

D. W. Vyce
Director of Property

SUBJECT: Sale of Part 2, Plan 62R-3948, 161 Lanark Street, Hamilton to 685810 Ontario Limited (Alan Davis)

RECOMMENDATION:

(a) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law 95-049:

"the lands composed of part of Lot 25, Concession 1, formerly in the Township of Saltfleet, now in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, said parcel of vacant land being more particularly described as Part 2 on Registered Plan 62R-3948, having a frontage on the south end of Lanark Street of 19.150 metres (62.830 feet) more or less, by a depth of 82.601 metres (271.00 feet) more or less and containing an area of 0.065 hectares (0.160 acres) more or less."

(b) That an Offer to Purchase, duly executed by the purchaser 685810 Ontario Limited, on 1997 March 6 and scheduled to close on or before 1997 May 5, for the lands composed of part of Lot 25, Concession 1, formerly in the Township of Saltfleet, now in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, said parcel of vacant land being more particularly described as Part 2 on Registered Plan 62R-3948, having a frontage on the south end of Lanark Street of 19.150 metres (62.830 feet) more or less, by a depth of 82.601 metres (271.00 feet) more or less and containing an area of 0.065 hectares (0.160 acres) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of $12,800. be credited to Account Number CH 4X501 00102 (Reserve for Property Purchases (Sales)); and,

(c) That the required deposit cheque in the amount of $1,280. be held by the City Treasurer pending Council approval; and,

(d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,

(e) That in accordance with the Real Property Sales Procedural By-law No. 95-049:

(i) satisfactory Notice has been given to the public of the intended sale;

(ii) no appraisal of the fair market value of the real property being sold was obtained as the lands are exempt from the appraisal requirements of Section 193 of the Municipal Act;

(iii) the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds derived from this sale of $12,800. be credited to Account Number CH 4X501 00102 (Reserve for Property Purchases (Sales)).

BACKGROUND:

685810 Ontario Limited has approached the City of Hamilton and would like to purchase this strip of land on Lanark Street. Presently, the owner of the properties on both sides of the parcel, Mr. A. Davis, has been providing a coke drying service to Dofasco. Dofasco has decided to shut down their in-house drying plant and has requested Mr. Davis to take over this part of the process as well. The area between his properties currently owned by the City will provide the necessary area for the conveyors and transfer equipment to run and to provide access to the storage tanks at the rear of his properties.

The subject parcel of City land (Part 2) was part of a City Industrial Park and was retained by the City for possible railway access to service end users in this industrial area. C.N. Railway has advised that it now has no requirement for the said Part 2 and therefore this parcel of land is surplus to City interests.

In compliance with the Real Property Sales Procedural By-law No. 95-049, I am reporting to your Committee:

(a) that by approving item (a) of this report City Council on 1997 March 25 will be declaring the subject lands surplus to the requirements of the City;

(b) that in accordance with the approved methods of Notice to the Public in Real Property Sales Procedural By-law 95-049, satisfactory notice has been given to the public of the intended sale;

(c) no appraisal of the fair market value of the real property being sold was obtained as the l. .ds are exempt from the appraisal requirements of Section 193 of the Municipal Act.

Although a formal written appraisal of the subject property is not required as part of the real property sales procedural by-law, the sale price herein represents fair market value in our opinion.

We therefore recommend the sale as described herein.

DC/nw

c.c. P. Noé Johnson, City Solicitor
Attention: Jennifer Lessing
A. Ross, Treasurer
K. M. Lau, Manager of Surveys, Roads Division
E. M. Gill, P. Eng., Senior Director, Roads Division
Attention: V. Zingaro


QUEEN ELIZABETH WAY
NORTH SERVICE ROAD
SOUTH SERVICE ROAD (CURTIS STREET)
JJ
KK
WARRINGTON
STREET
H.E.P.C.
NATIONAL
RAILWAY
LANARK
Subject Site
CANADIAN NATIONAL RAILWAY
CASCADE
CENTENNIAL PARKWAY
COVINGTON
BARTON STREET EAST

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 March 19
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1997 March 5

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Revised Board of Management, Barton General
Business Improvement Area (B.I.A.)

C. DIRECTOR OF PLANNING AND DEVELOPMENT

Authorization for street name change - Dulgaren Street, Eleanor Neighbourhood

D. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Fearman House, 90 Stinson Street - Heritage Permit for Proposed Conversion to a Residential Facility for the Good Shepherd Non-Profit Homes Inc.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1997 March 5
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Alderman Wm. McCulloch Alderman F. Eisenberger Alderman M. Caplan Alderman B. Charters Alderman H. Merling Alderman G. Copps
Regrets:	Mayor R.M. Morrow, Civic Business
Also present:	Alderman M. Kiss Joe Pavelka, Chief Administrative Officer Victor Abraham, Director of Planning and Development Department Bill Janssen, Planning and Development Department Joanne Hickey-Evans, Planning and Development Department Caroline Floroff, Planning and Development Department Art Zuidema, Law Department Roland Karl, Public Works and Traffic Department Eugene Chajka, Regional Environment Department Willy Wong, Building Department Mark Mascarenhas, Building Dept., Housing and Loans Div. Mike Watson, Property Department Tina Agnello, Secretary

1. **<u>City Initiative 96-J, Parking Standards for Single Family Dwellings</u>**

Joanne Hickey-Evans advised that the City Initiative deals with four issues:

(a) Number of parking spaces.
(b) Maneuvering space.
(c) Below grade parking.
(d) Recognizing garage stairs as encroachments in parking space.

She explained that at present one parking space is required per single family home and also maneuvering space. The maneuvering space also functions as an extra car parking space. The City Initiative proposes to increase the parking space from one to two spaces. The spaces will be related to the number of habitable rooms, not including bathrooms. Two spaces will be required for 8 habitable rooms; three for 10 habitable rooms; and, four for 12 habitable rooms.

Al Fletcher from A.J. Clarke and Associates and a member of the Homebuilders Association was present. He is in full agreement with this report and commended staff on their work on this report.

Alderman Drury enquired about infill or conversions to which Joanne Hickey-Evans replied that, with regard to conversions the same rules will apply.

Mr. Eric Campbell of the Landsdale Neighbourhood was present. He was concerned that green space will be taken away and that the 50% front yard requirement will not be enforced.

In response to a question from Alderman Drury, Willy Wong advised that an inspector will investigate problems on a complaint basis.

Roland Karl added that, in most cases the owner enters into an agreement with the City as to where they are permitted to park with regard to establishing a ramp.

David Beland, of 182 St. Clair Boulevard and a member of the Citizens for Citizens group, was present. He stated that enforcement of the 50% front yard requirement is a concern. He questioned if anyone has ever been required to remove an illegal driveway.

Georgia Ames, of 87 MacNab Street, was present. She was there on behalf of the Ainslie and Westdale areas who have a great deal of problem with the issue of cementing front yards for parking. She stated that people who do not abide by the rules should be required to replace the green space.

In response to a question from Alderman Copps, Willy Wong advised that the Building Code does not differentiate between different types of rooms within a home and this is one of the reasons why the definition of "bedroom" is so difficult to determine.

The Planning and Development Committee directed staff to prepare a report on Front Yard Parking and Enforcement of 50% Greenspace Regulations.

As recommended in a report dated 1997 February from the Director of the Planning and Development, the Committee recommended the following to Council for approval as amended:

(a) That approval be given to City Initiative 96-J, for a general text amendment to Zoning By-law No. 6593 regarding the parking standards for single-family dwellings and associated technical definitions on the following basis:

(i) That Subsection 2.(2)J.(xxi) of Zoning By-law No. 6593 be amended by deleting the existing definition of ""storey, attic" or "storey, half"" and replacing it with the following:

(xxia) "**Storey, Attic**" shall mean the portion of a building situated wholly, or in part, within the roof and which is not a half-storey;

(xxib) "**Storey, Half**" shall mean the portion of a building situated wholly or in part within a sloping roof and in which:

a) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 m (7 feet, 7 inches) over a floor area equal to at least fifty percent of the area of the floor; or,

b) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.1 m (6 feet, 11 inches) over all of the area of the floor.

(ii) That Section 18A of Zoning By-law No. 6593 be amended by adding a new clause as (7A) as follows:

"Notwithstanding Subsection (7), for a single family dwelling where more than 1 parking space is provided in an attached garage, then an open stairway may project into the length of the required parking space not more than 0.75 metre provided that the height of the stairway does not exceed 0.5 metre."

(iii) That Section 18A of Zoning By-law No. 6593 be amended by adding a new clause as (7B) as follows:

"Where a dwelling is constructed with an attached garage, then the finished level of the garage floor must be set a minimum of 0.10 metres higher than the approved property/street line elevation, where the driveway grade on private property shall be established at a minimum 1% slope, not exceeding 7%, with the slope of the driveway draining away from the building. The approved property/street line shall mean 0.15 metres higher than the elevation of the centreline of the abutting roadway as approved by the road authority."

(iv) That Column 1 and Column 2 of Table 1 of Section 18A. of Zoning By-law No. 6593 be amended by deleting paragraph 1.(a) and replacing it with the following:

"1.	Residential Use	
(a)	Single Family Dwelling	2 parking spaces for each Class "A" dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room"

(v) That Subsection 18A.(10) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following:

"Except for single-family dwellings, sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space."

(vi) That Subsection 18A. of Zoning By-law No. 6593 be amended by adding a new clause as (14h) as follows:

"Notwithstanding any other provision in this by-law, the following shall apply to a single family dwelling with 8 habitable rooms or more:

(i) only 1 of the parking spaces may be located in the front yard on a driveway appurtenant to the dwelling, and

(ii) the required area for parking, manoeuvring and access in respect to the single family dwelling shall not occupy more than 50% of the gross area of the front yard, and

(iii) not less than 50% of the gross area of the front yard shall be landscaped."

(vii) That Subsection 18A.(32) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following:

"Sufficient space additional to required loading space shall be provided and maintained on the same lot on which the loading space is located, in such a manner as to enable each and every loading space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space."; and,

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. DIRECTOR OF PLANNING AND DEVELOPMENT

Zoning Application 97-03, Removal of the Holding Provision for Lands Located West of West Fifth Street, South of the Proposed Mountain Freeway and North of Chester Avenue

Joanne Hickey-Evans advised that this recommendation is to lift a holding provision from the property.

As recommended in a report dated 1997 February 25 from the Director of the Planning and Development, the Committee recommended to Council as follows:

(a) That approval be given to Zoning Application 97-03, Mike & Gus Holdings Ltd., owners, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for single detached dwellings through plan of subdivision, for lands located in the area west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street, as shown on the attached map marked as Appendix "A"; and,

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593, as amended by By-Law No. 90-351, for presentation to City Council.

3. **DIRECTOR OF PLANNING AND DEVELOPMENT/DIRECTOR OF PROPERTY/CHIEF ADMINISTRATIVE OFFICER**

411-413 Britannia Avenue:

(a) **Information Report - Director of Planning and Development/Chief Administrative Officer**

(b) **Tax Sale Property Ratko Radisic - Director of Property/Chief Administrative Officer**

Mike Watson explained that in 1995 the City took over the property for a tax sale. Originally it was a store and residence combined. Over the years it has been vandalized and deteriorated. A buyer came forward at the cost of $30,000 and as the deal was proceeding to close, the owner did a search for the property and they received a report that the residence was not permitted. The applicant was advised that a Committee of Adjustment application would be required.

Alderman Copps is concerned about the commercial use in a residential area.

Joanne Hickey-Evans advised that the lands are presently designated residential in one Plan and commercial in another Plan. She stated that the options are to maintain the status quo; to redesignate to commercial and rezone residential; or to permit printing and residence in conjunction with each other. She stated that this lot reflects the development pattern similar to those already in the area.

In response to a question from Alderman Charters, Mike Watson stated that it is the applicant's responsibility to check the use before closing. Alderman Charters was concerned that the City is the initiator of the Committee of Adjustment change which is the responsibility of the prospective purchaser. Alderman Copps concurred.

Mike Watson advised that the information on the sale was circulated to the Department Heads and Aldermen and there were no concerns until the deal was about to close.

Alderman Copps stated that the residents in the neighbourhood have concerns.

Alderman Merling stated that the property is presently zoned "H" and it should be zoned "C" or "D". He added that there have been cases where the City has purchased properties and rezoned them in order to sell them.

Ms. Milena Protich was present on behalf of Mr. Radisic, who is a resident of 2772 Barton Street and is the prospective purchaser. Mr. Radisic is a full-time employee of Dofasco who is by trade a printer. He would like to do some low-scale work on a part-time basis. He is also a handyman and would like to renovate the property to live there and conduct a part-time business. She stated that the property was being purchased on the basis that it could be used as a residence and a part-time business. She respectfully asked for the Committee's assistance to help close the deal.

The Committee resolved to defer this matter to later in the meeting in order that the parties can discuss and come to a resolution.

4. DELEGATION

Provincial Restructuring of Social Housing Programs in Ontario

(a) **Mary Kachurowski, Executive Director - Golden Horseshoe Co-Operative Housing Federation.**

Louise McNaughton, President of the Golden Horseshoe Co-Operative Housing Federation was present. She stated that there are 1,274 co-operative households in Hamilton. If the City accepts the downloading of housing it will create great problems. She stated that the downloading will lose the effectiveness of the administrative as well as the volunteer labour. She stated that co-operatives enable members to break the welfare cycle. If downloaded to the Municipality, 50 Municipalities will be administering housing co-ops in a different manner and the Municipalities will end up paying.

Harvey Cooper, a manager, was present. He is trying to get information from the Ministry of Housing regarding data. The Ministry of Housing did not make available their studies regarding long term capital costs and reserves. The last Provincial government announced a moratorium on reserves which still exists.

At present there is more than $1 billion required to make remedial repairs on existing housing stock. Also, $218,000,000 has not been accounted for in capital replacements. In Hamilton the total costs for capital replacements is over $10,000,000. He requests that all Municipalities take a close look at downloading to the Municipality's regard to social housing.

Alderman Drury thanked them for their presentations and stated that City Aldermen and staff are also concerned about having the tax base to pay for social housing in Hamilton.

(b) **Janice Lewis, Executive Director and Board President and Sacajawea Non-Profit Housing's Board President and Co-Ordinator - U.N.H. Inc.**

Janice Lewis, the Executive Director of Urban Native Housing Inc., was present. She shared the concerns of the Co-Operative Housing Federation but she stated that urban native issues are a Federal matter, not local. The Federal government has developed an excellent program and provided good financial, technical and administrative support. The original agreements between the Federal government and the natives should be honoured. She is asking that the Federal government maintain urban housing.

The Chair thanked both groups for attending and stated that their presentations will be taken into consideration in comments to the Province with regard to downloading responsibilities.

5. BUILDING COMMISSIONER

Added Item - Commercial Property Improvement Loan Program - 303-307 King Street East

Mark Mascarenhas was present. He presented a proposal to the Committee from Mr. Amendolia.

Alderman Copps was concerned about tax arrears, to which Mr. Mascarenhas advised that Mr. Amendolia is making arrangements with the City to have these paid.Mr. Amendolia stated that the outstanding taxes are to be paid at $3,000/month as well as the current taxes.

In response to a question from Alderman Copps, Alderman Merling explained that N[illegible] American Living Centres Limited is the Martino Brothers. Alderman Merling add[illegible]d that the merit of the proposal should be considered, especially in regards to what it can do for the downtown.

In response to a question from Alderman Eisenberger, Mr. Amendolia stated that he is meeting with the Tax Department to get something in writing regarding the $3,000 per month payment of outstanding taxes. They will get a statement from the Tax Department to that effect.

As recommended in a report dated 1997 February 28 from the Building Commissioner the Committee recommended to Council as follows:

That approval be given for the assumption by Quantum Realty Holdings Inc. of the existing Commercial Property Improvement Loan in the amount of twenty-three thousand, one hundred and twenty-two dollars and thirty-three cents ($23,122.33) owed by Agommen Ltd., and co-owners, 303 - 307 King Street East, Hamilton, subject to fulfilment of the borrowing requirements of the City.

6. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development Committee meeting held 1997 February 19 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Revised Board of Management - Downtown Hamilton Business Improvement Area (B.I.A.), dated 1997 February 20:

(a) That Schedule 'B' of By-law No. 97-011, appointing the Downtown Hamilton B.I.A.'s Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
C. Jamieson	The Right House
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
P. Pappas	Joe Buddinski's
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.

C. BUILDING COMMISSIONER

988 Upper Paradise Road - Demolition Permit, dated 1997 February 18:

That the Building Commissioner be authorized to issue a demolition permit for 988 Upper Paradise Road in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) **Request for a One Year Extension for the Approval of Site Plan Control Application DA-95-08 for an Addition to the Existing Commercial Development at 970 Upper Wentworth Street, dated 1997 February 19:**

That approval be given to the request by Toys "R" Us (Canada) Ltd., owner of the lands at 970 Upper Wentworth Street, as shown on the attached map marked as Appendix "B", for an extension to the approval of Site Plan Control Application DA-95-08 to March 11, 1998, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

(ii) **Site Plan Control Application DA-96-25 for a Commercial Plaza at 975 Queenston Road to be Located in the City of Hamilton and the City of Stoney Creek, dated 1997 February 25:**

The Committee approved the recommendation as follows:

That approval be given to Site Plan Control Application DA-96-25 by K&h Creek Investments Ltd., Owner, for lands known as 975 Queenston Road, located in the City of Hamilton and the City of Stoney Creek, as shown on the attached map, marked as Appendix "C", for a commercial plaza, subject to the following:

(a) modification to plans in relation to notes, dimensions, and access points, as marked in red on the plans; and,

(b) submission of a revised landscaping plan, to the satisfaction of the Director, Planning and Development Department; and,

(c) submission of a revised grading plan to the satisfaction of Commissioner of the Environment, Regional Environment Department; and,

(d) the applicant/owner must pay all outstanding servicing and road (property) costs to the City of Hamilton on Donn Avenue prior to the City of Hamilton incorporating the 0.30m reserve adjacent to Donn Avenue.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee acknowledged the following item for information which was received under separate cover:

Approved Site Plan Application

3. 411 - 413 Britannia Avenue (continued)

Mike Watson advised that through discussions, the Building Department has stated that as long as the building has 750 square feet that the residence will be permitted and that no Committee of Adjustment application will be required.

The Committee adjourned into closed session to discuss property matters and reconvened immediately thereafter with the following reports:

I. That the report of the Director of Planning and Development and Chief Administrative Officer dated 1997 February 27 with regard to 411-413 Britannia Avenue be received.

II. That the following recommendation of the Chief Administrative Officer and Director of Property with regard to 411-413 Britannia Avenue dated 1997 February 27 be recommended to Council:

(i) That the City of Hamilton proceed to complete the sale of 411 - 413 Britannia Avenue to Ratko Radisic for the sum of $30,000. as approved by City Council on 1996 December 10 (Item 13 of the 20th Report of the Finance and Administration Committee); and,

(ii) That the Property Department be authorized to reapply to the Committee of Adjustment for the required variances to allow the residential use to continue on this site.

III. That the recommendation of the City Solicitor with regard to the Ontario Municipal Board Hearing Third Party/Billboard Signs, City Initiative CI-96-D\Zoning By-law No. 96-096 dated 1997 March 3 be recommended to Council as follows:

That City Council reject the settlement offer proposed by Ross, Bennett & Lake, Barristers and Solicitors on behalf of Gould Outdoor Advertising, in respect of Gould's appeal against Zoning By-law No. 96-092.

4. OTHER BUSINESS

None.

5. ADJOURNMENT

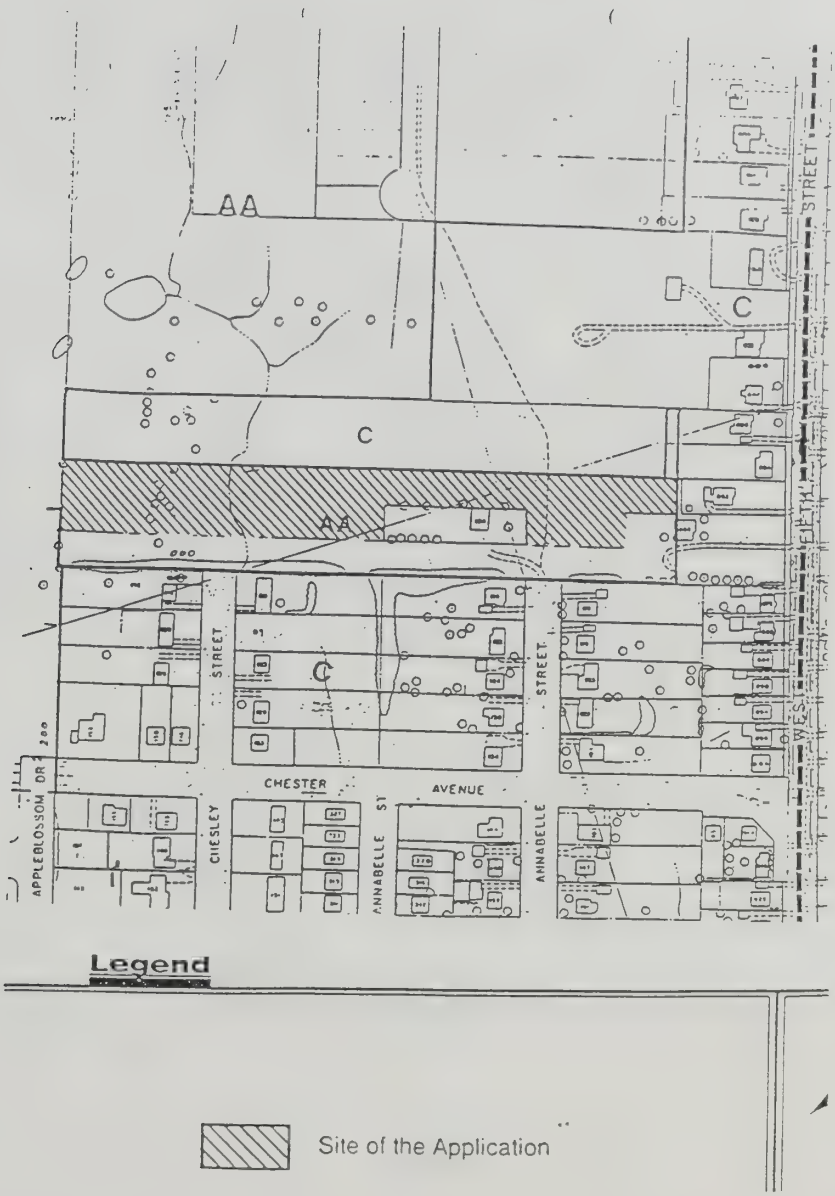
There being no further business, the Committee meeting adjourned.

Alderman D. Drury, Chairman
Planning and Development Committee

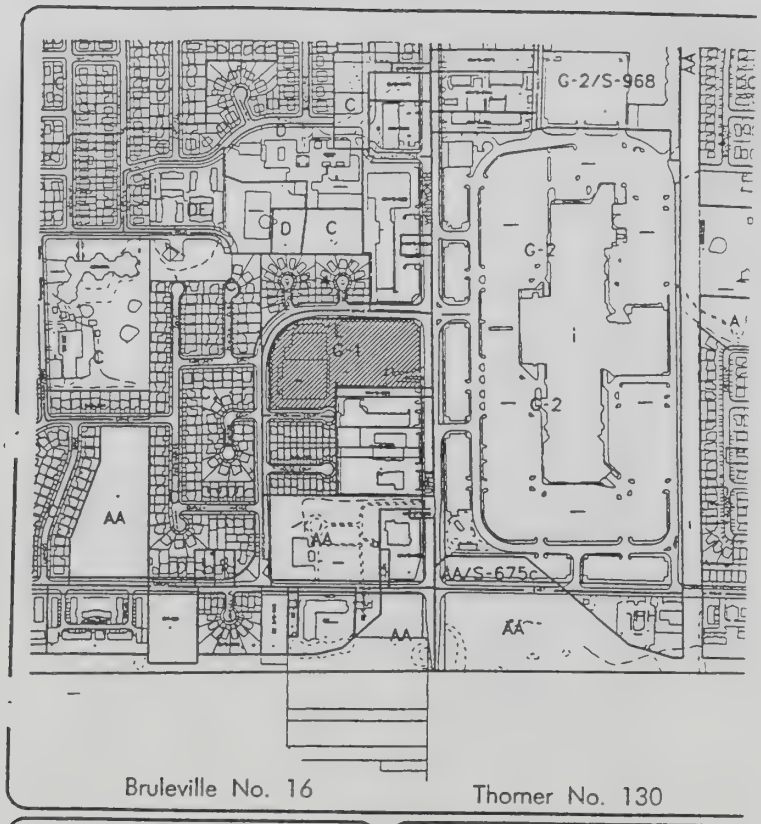
Tina Agnello
Secretary

/jt

Appendix "A" as referred to in Section 2(a) of the Planning and Development Committee Minutes dated 1997 March 5



Appendix "B" as referred to in Section D.(i) of the Planning and Development Committee Minutes dated 1997 March 5



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-95-08

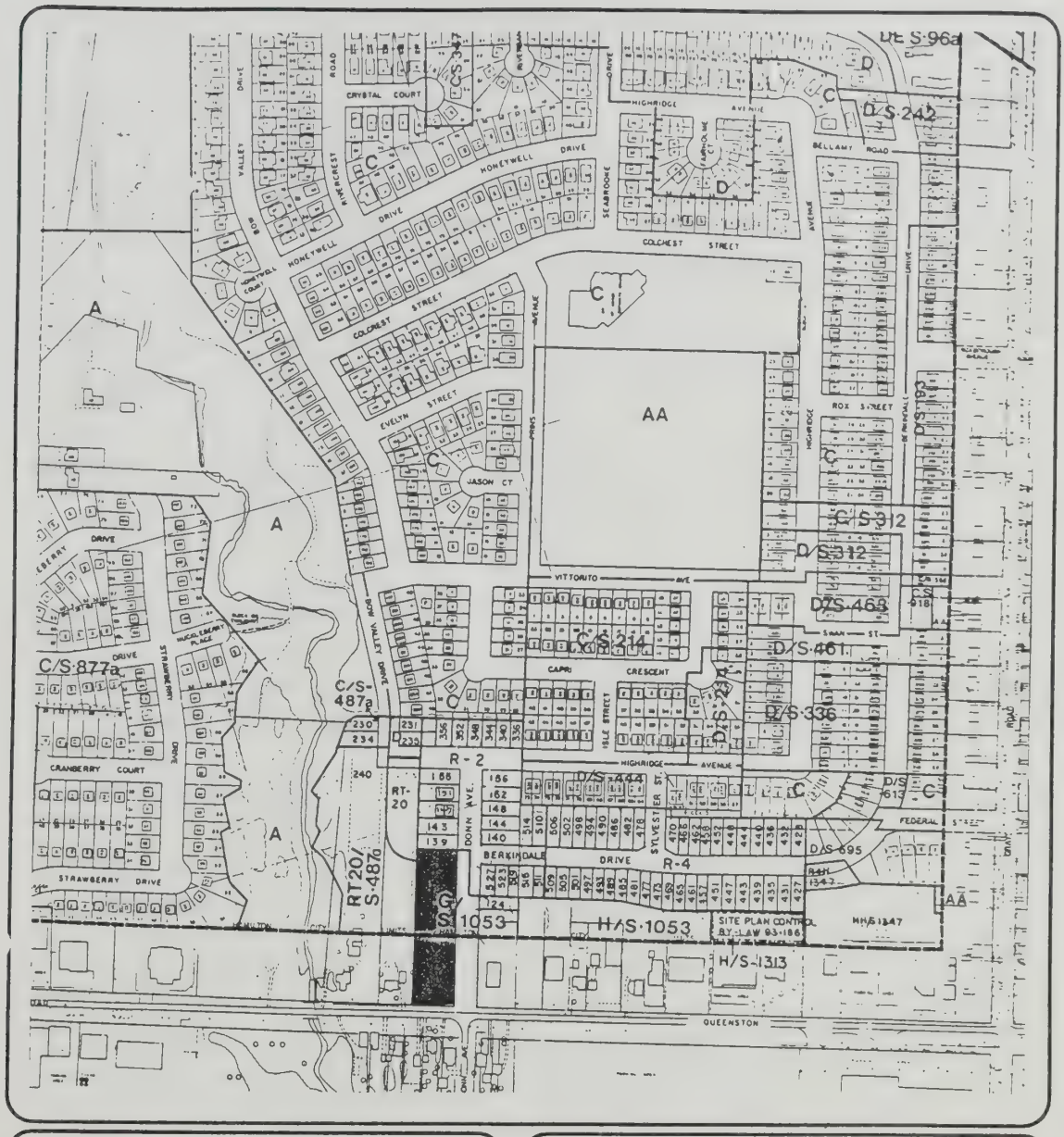
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-95-08
	Date	Drawn By
	MARCH 13 1995	William Braithwaite

Appendix "C" as referred to in
Section D. (ii) of the Planning
and Development Committee Minutes
dated 1997 March 5



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-96-25

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-96-25
	Date	Drawn By
	OCTOBER 1996	R.L.

B.

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 0 1997

DATE: 1997 February 28

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Revised Board of Management, Barton General Business Improvement Area (B.I.A.).

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 97-012, appointing the Barton General B.I.A.'s Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
K. Jokic	Bank of Montreal
D. Tranor	Dell Pharmacy
N. LaSala	Nick's Auto Service

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

D. Tranor and N. LaSala were elected as additional members of the Barton General B.I.A.'s Boaı d of Management at its meeting held 1997 February 26. This brings the total number of Board m .bers to 6.

DL:HM:hm
P&DBoard.Barton

c.c. Keith Cody, Chairman
Barton General B.I.A.

Patrice Noe Johnson
City Solicitor
Law Department

C.

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 1997

DATE: 1997 March 12
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposal to rename a portion of Dulgaren Street in the Eleanor Neighbourhood

RECOMMENDATIONS:

a) That Planning and Development Department staff be authorized to hold a public meeting to consider a proposed street name change from Dulgaren Street to Dalia Avenue for that portion of Dulgaren Street located between Upper Sherman Avenue and the future extension of Eaglewood Drive, as shown on the attached map marked as APPENDIX "A"; and,

b) That the City Clerk be directed to give notice of a Public Meeting regarding the proposed name change.

V. J. Abraham

J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In addition to staff time to prepare the report, notice and implementing by-law, the City Clerk will be required to give notice of the street name change by publishing notice in the Hamilton Spectator, one notice per week, for four consecutive weeks. No additional costs will be incurred by the respective Departments.

BACKGROUND:

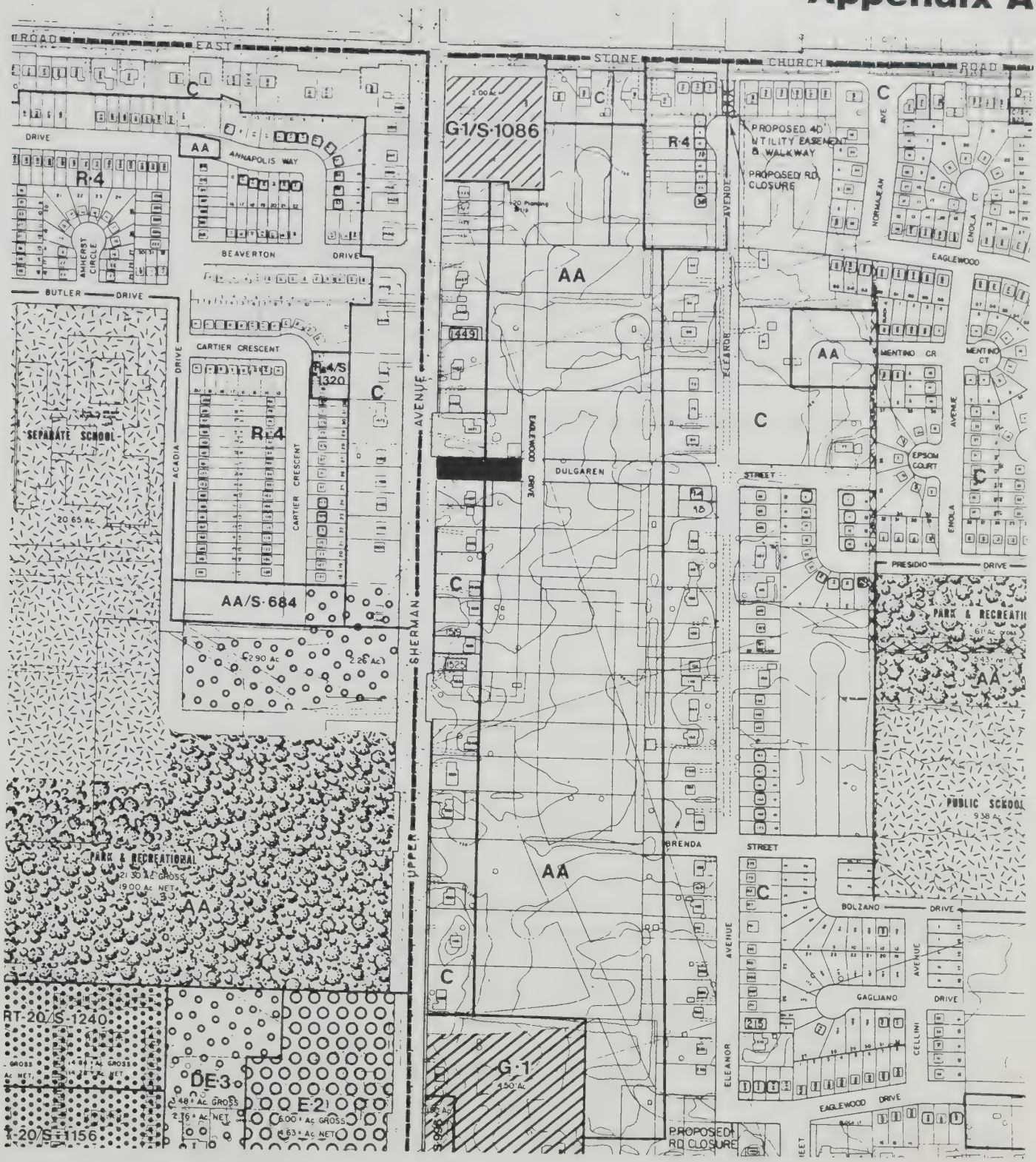
In accordance with the Eleanor Neighbourhood Plan, a portion of Dulgaren Street will be closed to allow residential development. This road closure leaves two unconnected portions of Dulgaren Street: one section is a collector road from Upper Sherman Avenue to the future extension of Eaglewood Drive; the second portion is approximately 61 m easterly of Eleanor Avenue. In terms of emergency services, a road should not be divided into two portions that do not connect. In addition, there are no homes with municipal addresses along the westerly portion of Dulgaren Street and therefore the street name change would not result in any inconvenience to homeowners. As such, it is appropriate that the westerly portion of Dulgaren Street be renamed to Dalia Avenue.

CONCLUSION:

On the basis of the forgoing, a public meeting of the Planning and Development Committee to consider the proposed street name change in accordance with the requirements of the Municipal Act should be held.

SR/sr
Dulgaren

Appendix A



Legend

Portion of Dulgaren Street to be renamed

N.T.S.

D

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 1 19

DATE: 1997 March 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Fearman House, 90 Stinson Street - Heritage Permit for Proposed Alterations/Additions

RECOMMENDATION:

That a Heritage Permit be approved for the following exterior alterations/additions to the building at 90 Stinson Street (designated under the Ontario Heritage Act), as shown on the drawings (north, east and west elevations) dated 1997 March 3 attached hereto and marked as Appendix "A":

NORTH FACADE (as shown on the attached north elevation)

- replacement of single-pane glazing of all original wood windows with thermopane glazing (preferred option) or replacement of existing wood windows with wood-framed thermopane units, to replicate appearance of original windows; and,
- replacement of single-pane glazing in the original double wood entrance doors with thermopane glazing; and,
- one-storey addition extending along east facade and set back from front facade; north facade of addition comprises a stuccoed base with a band of three aluminum windows modelled on the two-over-two wood sash window on the north facade of the one-storey stone addition on the west side of the building; and,
- concrete ramp with steel handrail to doorway on west side of tower.

EAST FACADE (as shown on the attached east elevation)

- one-storey addition extending across full facade of existing building and the rear addition; wall treatment identical to north facade, except for set of double doors; and,

- some wood windows to be reglazed or replaced (as described for north facade); others to be replaced with aluminum thermopane sash windows; and,
- three new gabled dormers with aluminum windows (two on roof of existing rear wing and one on roof of new rear extension); and,
- rear addition (extension of existing rear wing) with a large multi-paned aluminum window on the second storey; and,
- new double entrance doors on east wall of tower to replicate existing glazed wood doors on the south and west facades (originally three identical doorways).

WEST FACADE (as shown on the attached west elevation)

- most windows to be treated in a similar manner to those on east facade; one second and one third storey window to be blocked up by means of permanently closed wood shutters; one window opening on the first floor to be filled in with stone masonry to match existing wall; and,
- two new entrances to be built on either side of the masonry-filled window opening, one with a canopy for the new elevator; and,
- replacement of single-pane glazing in the original double wood entrance doors of the tower with thermopane glazing; and,
- rear addition with two new windows, one dormer, one doorway and stuccoed exterior; and,
- reconfiguration of roofline of section of rear wing to accommodate top of elevator shaft.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the provisions of the Ontario Heritage Act, any changes to the designated facades (north, east and west), require Council approval through the Heritage Permit process. This includes alterations to the existing building as well as any new additions.

BACKGROUND:

The historic stone mansion at 90 Stinson Street, built for Frederick Fearman in 1863 and later enlarged, was last owned by the Roman Catholic Diocese and for many years served as offices for their social service agencies. When these agencies were moved to another location in 1993, it was left standing vacant and faced the possible threat of demolition. That year, however, the property gained some measure of protection by being designated under the Ontario Heritage Act (By-law No. 93-124). It was recently acquired by the Good Shepherd Non-Profit Homes Inc. for conversion to residential use. The Building Department has confirmed that, in accordance with the "D" District zoning, it will be c

converted to a two family dwelling (i.e. a building comprising two self-contained Class A dwelling units).

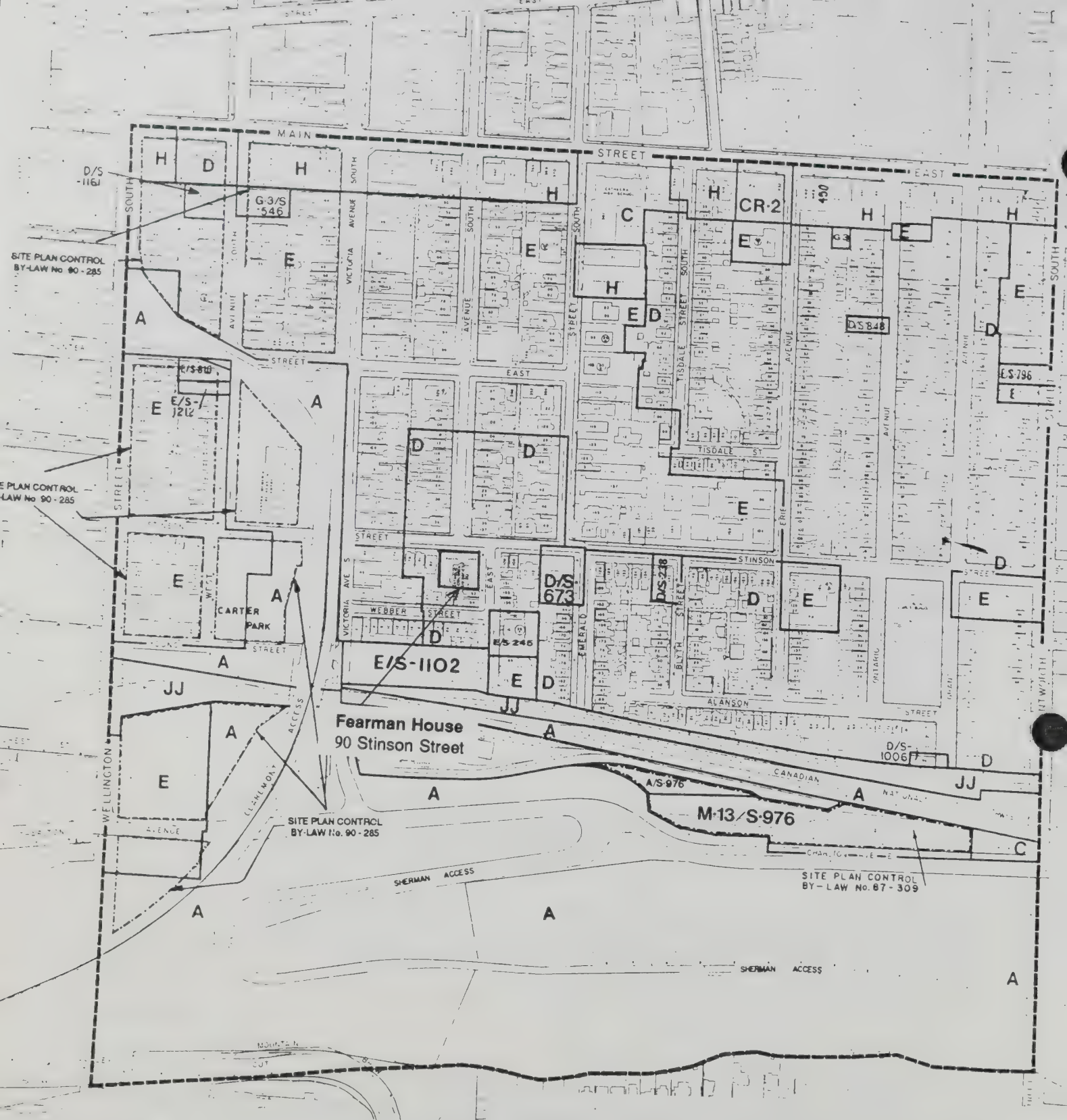
The project architects, Greg Sather and Paul Dowling from McCallum Sather Architects Inc. explained the proposed conversion to LACAC's Research Sub-committee at its meeting held 1997 February 27. This scaled-down version of an earlier proposal can be largely accommodated within the existing building. A 20% increase in floor area has been achieved by extending the existing rear wing and by a one-storey addition on the east side. The visual impact of the one-storey addition facing East Avenue has been minimized by designing it to look like an enclosed verandah with continuous fenestration.

The Research Sub-committee requested that any original wood windows being replaced not be discarded and, if possible, stored on site. The architects agreed to look into this request and also agreed to donate a set of photographs documenting the condition and appearance of the building before any construction work is begun.

The Local Architectural Conservation Advisory Committee approved the above-noted recommendation at its meeting held 1997 March 10.

attached

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department



10	95	48
31	125	124
22	68	42

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

CITY OF HAMILTON

STINSON

ZONING

Neighbourhood Boundary
Zoning Boundary.

SCALE 1:2000 50m

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO 6601

PAGE NO 125

APPENDIX 'A'



NORTH ELEVATION

McCallum Sather Architects Inc.

1/8" = 1'-0"

March 3, 1997



EAST ELEVATION

McCallum Sather Architects Inc.

1/8" = 1'-0"

March 3, 1997



WEST ELEVATION

McCallum Sather Architects Inc.

1/8" = 1'-0"

March 3, 1997

E

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 12

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Secretary, LACAC re: LACAC minutes of 1997 February 10, dated 1997 March 10

(b) City Solicitor, Director of Planning and Development and Chief Administrative Officer re: Hamilton Harbour - Ontario Municipal Board Hearing Settlement, dated 1997 March 7

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N\A

BACKGROUND: N\A

URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1997



Jrban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
APR 1 1997
GOVERNMENT DOCUMENTS

Wednesday, 1997 April 2
9:30 o'clock a.m.
Room 233, City Hall

Kevin Christenson, Acting Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 97-06, by Fiore and Vally Manganiello, owners, for a change in zoning for property located at 87-95 Wellington Street North and 216 Wilson Street from "L-mr-2" District to "DE-2" District modified

2. Rental Housing Protection Act Application CD-96-004, 222 Gage Avenue South, Blakely Neighbourhood

3. City Initiative 96-G respecting the location of Charity Gaming Clubs

4. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

   Barton Street Revitalization - Streetscaping Component - Awarding of Contract for Project Between East Avenue and Leeming Street

5. CHIEF ADMINISTRATIVE OFFICER/
DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Downtown Revitalization - Gore 2000 Program

(b) "K" Zoned Lands - Frid Street and Chatham Street

(i) Correspondence - Mr. W. Davies
Request to Amend K-Zone on Frid Street and Chatham Street

(ii) "K" Zoned Lands - Frid Street and Chatham Street
Information Report

6. MAYOR R. M. MORROW

189 Cline Avenue South
How it Pertains to the Continuing Student Housing Problem

7. CONSENT AGENDA

8. OTHER BUSINESS

9. PRIVATE AND CONFIDENTIAL AGENDA

10. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
3.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
4.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee To report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997) *Report back in 3 mos (by May 11 1997) re: actual recovery costs for the implementation and enforcement of the bylaw as well as a review of permit fees for businesses and licencing for operators
5.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
6.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
7.	ZA-96-11, 73 Garfield Avenue South	1996 November 20	Ward Alderman, residents and applicant to meet	Tabled to 1997 January
8.	ZAC-96-05, SAC-96-01, 177 Rymal Rd. E. and 1684 Upper Wellington St.	1996 December 4	Applicant and Neighbouring property owner to resolve property concern	1997 January 22 further tabled to 1997 February 19
9.	Resurrection of the Kirkendall/Chedoke Modified Neighbourhood Plan review Committee	1996 December 4	Alderman Request to table	Tabled

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
10.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and Incineration as a use regarding Hamilton Harbour Commission Lands	Report Forthcoming
11.	Front yard Parking and 50% greenspace provision	1997 March 5	Staff report on the enforcement of the provision	Report forthcoming
12.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21

1997 March 27

1.

1

DE - FROM
FIORE & VALLY MANGANIELLO

DÉPARTEMENT - DEPARTMENT

CITY CLERKS DEPARTMENT
HAMILTON
ATTENTION: KEVIN CHRISTENSON

DATE
MARCH 24, 1997

SUJET - SUBJECT
ZA-97-06
87-95 WELLINGTON STREET NORTH AND 216 WILSON STREET

MESSAGE

IT IS OUR REQUEST TO TABLE ZONING APPLICATION ZAC-97-06 SCHEDULE FOR THE APRIL 2, 1997 MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE.

WE HAVE SUBMITTED A REVISED PROPOSAL TO THE PLANNING AND DEVELOPMENT DEPARTMENT FOR CONSIDERATION AT A SUBSEQUENT MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE. WE UNDERSTAND THAT A RECIRCULATION IS REQUIRED AT A COST OF $250.00,

Vally Manganiello

578-1789

V.M. March ~~April~~ 24. 97.
24.97.

PARTIE DU BAS POUR RÉPONDRE - USE LOWER PORTION FOR REPLY

RÉPONSE DE - REPLY FROM

DATE

POUR RÉPONDRE: CONSERVEZ LA COPIE UN ET RETOURNEZ LA COPIE TROIS
TO REPLY: RETAIN FIRST COPY - RETURN THIRD COPY

BLUELINE A 20-B Memo Inter-Bureau - Inter-Office Memo

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 20
(CD-96-004)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-96-004 -
222 Gage Avenue South, Blakely Neighbourhood

RECOMMENDATIONS:

(a) That approval be given to Application CD-96-004, under the Rental Housing Protection Act, Vedemo Construction Ltd, owner, for conversion of 102 rental apartments to condominium units for the property located at 222 Gage Avenue South, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in Appendix "A", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

1. the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent;

2. the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the Rental Housing Protection Act application, immediately following the expiration of the appeal period of the Council approval;

3. that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement;

4. that the Tenants' rent shall not be increased during the duration of the

lease but for increases permitted under the Residential Rent Regulation Act, as amended;

5. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

6. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;

(iii) 1. That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

2. That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,

3. That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A" and "B" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an

assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

Vedemo Construction Ltd., owner.

Existing Building

The subject property is comprised of 102 apartments. The units are comprised of 2 bachelor units, 31 one-bedroom units and 66 two-bedroom units (one unit is an office and one unit is for the on-site superintendent). The year of construction is 1978. As of February 6, 1997, six of the units in the building were vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 222 Gage Avenue South was submitted to the City on October 16, 1996. The subject property is shown on the attached key map. The proposal is to convert 102 apartments units to condominium. The agent for the applicant has indicated the units will be sold in the price range of $39,000 - $59,000, with a premium for units on higher floors.

Proposed Conversion Details

The application submitted includes some details of renovations to be undertaken; these include updated kitchens, new carpets, bathroom improvements, and interior decorating.

Rent Details

The monthly rental charges for the units, effective October, 1996, are as follows:

- The two bachelor units rent for $379 and $408;
- The one-bedroom units have a rental range of $508 - $620 with an average rental price of $429; and,
- The two-bedroom units have a rental range of $552 - $634 with an average rental price of $598.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 222 Gage Avenue South are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 102 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 102 rental units will not adversely affect the supply of affordable rental housing in the City. In June of 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion. The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: Essential Criteria and Criteria for which Conditions may be Instituted. The following is a list of the criteria in each group:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular CMHC Zone should be at least two percent (for all units).
3. The vacancy rate for the type of housing should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions may be Instituted:

1. The availability of potential alternative accommodation will be reviewed in terms of unit type and price.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 2 - Hamilton

East Zone".

Essential Criteria:

Vacancy Rates - All Unit Types

The vacancy for the City, for all unit types, was 2.4 percent in October of 1996 (latest available CMHC data). The vacancy rate for the Hamilton East Zone was 6.9 percent (all unit types). A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

Vacancy Rates - Apartment Units

The following table includes the vacancy rate, by unit type, for the City as a whole and the Hamilton East Zone.

Unit Type	City Vacancy Rate	Hamilton East Vacancy Rate
Bachelor	4.1%	17.9%
One-Bedroom	2.5%	6.5%
Two-Bedroom	2.3%	6.5%

The vacancy rates for the City and Zone, for all unit types, are above two percent, which is the guideline used in evaluating the rental housing market for the type of unit and the geographic area of the City.

Impact of Conversion on Vacancy Rate

Analysis of the change in the vacancy rate for the City, the Hamilton East Zone, for all units and by unit type, is used to determine if the conversion to condominium will negatively impact the vacancy rate within the City and the particular market zone. For the subject building, six of the units in the subject building are vacant at the current time (four one-bedroom units and two two-bedroom units). The following table shows the changes to the vacancy rates. In some instances the vacancy rate increases (due to the smaller rental stock) and in other instances the vacancy rate rises marginally (less than 0.1%) which is related to the removal of the vacant units in the subject building.

Impact on Vacancy Rate

Geographic Area	Unit Type	Impact on Vacancy Rate
City	All Units	Marginal Decrease (0.02%)
City	Bachelor Units	No Change
City	One Bedroom Units	Marginal Decrease (0.02%)
City	Two Bedroom Units	No Change
Zone 2	All Units	Marginal Increase (0.03%)
Zone 2	Bachelor Units	Small Increase (0.23%)
Zone 2	One Bedroom Units	Small Decrease (0.11%)
Zone 2	Two Bedroom Units	Small Increase (0.21%)

The analysis of the impact on the vacancy rates reveals no significant impact on the vacancy rates within the City as whole or the Hamilton East Zone.

Rental Pricing

Average Rent Levels
October, 1996

Unit Type	City Wide Average Rent	Hamilton East Average Rent	222 Gage S. Average Rent
Bachelor	$392	$360	$394
One-Bedroom	$458	$446	$429
Two-Bedroom	$594	$546	$598

The units in the subject building are comparably priced to other similar rental stock in the City and in the Hamilton East Zone, based on the average rents.

Criteria for Which Conditions May be Instituted:

Potential Alternative Accommodation

The removal of the 102 units in this building will reduce the rental stock in the City and the Hamilton East Zone. The following table shows the rental stock for the unit types and the impact the conversion of these units would have on the removal of the units from the rental supply.

Geographic Area	Unit Type	Rental Stock	% Reduction of Rental Stock
City	All Units	30,815	-0.33%
City	Bachelor Units	1,918	-0.10%
City	One Bedroom Units	14,925	-0.21%
City	Two Bedroom Units	12,794	-0.53%
Zone 2	All Units	3,277	-3.11%
Zone 2	Bachelor Units	156	-1.28%
Zone 2	One Bedroom Units	1,785	-1.79%
Zone 2	Two Bedroom Units	1,223	-5.56%

The percentage reductions are small for the City (by Unit Type). Within the Hamilton East Zone, the largest impact is the reduction of the two-bedroom stock which represents a reduction of 5.56% of this type of housing in the zone. However, it is noted that the vacancy rates within the Hamilton East Zone was 6.5%; there are other rental opportunities within the zone for two-bedroom units should a tenant wish to move within the area.

Affordability of Units

In the past, a review of the rents for proposals for conversion has been carried out to determine the affordability of the units. The review involved comparing the average rents to the affordable rents defined under the Income and Affordable Housing Price Data Information Bulletin (1995) that formed part of the Comprehensive Set of Policy Statements. With the passage of Bill 20, the Province has changed the policies relative to affordable housing and no longer releases information on affordable house prices. However, a review of the rents indicates that these units would be affordable to persons earning a minimum of $15,740 (Bachelor); $17,141.94 (One-Bedroom); and $23,915 (Two-Bedroom).

Monthly Carrying Costs

A review of the monthly carrying costs for any tenant purchasing the unit is based on the following assumptions:

1. A downpayment of 10 percent;
2. Prevailing interest rates at the time of preparation of this report are used in the mortgage calculation;
3. Property taxes are approximately $125 per month; and,
4. An average purchase price of $52,500.

On this basis, the monthly mortgage payment for such a unit would be $280; the additional property taxes ($125 per month) would bring the monthly total to $405. This figure is exclusive of condominium fees, which are not known at this point in time. From this perspective, the units, as ownership, are comparably priced to the existing rental pricing. For existing tenants, assuming a 10 percent downpayment and prevailing mortgage interest rates (as of March 19, 1997), these units would be affordable to households earning approximately $16,200 to $18,500. The monthly carrying costs are lower than the rent for the units.

Summary

In summary, the application for conversion meets the criteria used by the Planning and Development Department in evaluating conversions.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion. The owner is offering the tenants who do not wish to purchase a unit a one year lease on a unit in the building.

TENANT INFORMATION MEETING:

On February 26, 1997, the tenant information meeting was held with the tenants, the applicant, the Ward Aldermen, and staff of the Planning and Development Department. There were four tenants present from the building. Concerns raised at the meeting centred on how tenants would be treated if the building was converted and if they chose not to purchase their unit. The City's

standard conditions related to conversions (guaranteed tenancy for a specified period of time at the current rent plus guideline increases) were explained. Two tenants have returned submissions indicating their opposition to the proposed conversion.

COMMENTS:

1. The application can be supported for the following reasons:

   a) The vacancy rates for apartment units, in the City and in the Hamilton East Zone, are above 2.0 percent, which is considered indicative of a healthy rental housing market.

   b) The conversion to condominium of these units will provide an opportunity for affordable home ownership. In fact, the units are generally more affordable as ownership units than as rental units.

2. With regard to conditions to be imposed related to the conversion, it is recommended that the existing tenants, who choose not to purchase a unit, be given the option of entering into a three year lease at their current rent, plus any guideline increases. The units within this building are in the higher one-third of rental pricing in the Hamilton East Zone, the vacancy rates are high in the zone, and there are opportunities for alternative rental accommodation. A three year term is consistent with the conditions of approval imposed by Council where the subject building fulfils the criteria used to evaluate the conversion.

3. For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

   - Building Department: the building is legally established as an apartment building with required on-site parking;
   - Treasury Department: the property taxes for the site are currently paid.

CONCLUSION:

Based on a review of several housing market statistical indicators, the proposed conversion to condominium of the 102 units will not cause an adverse impact on the supply of affordable rental housing in Hamilton or in the Hamilton East Zone. The proposed conversion will result in the creation of "affordable" ownership housing that reaches a segment of the marketplace which has not been in a position to attain home ownership in recent years.

As in previous RHPA applications, it is appropriate that some degree of flexibility be provided to tenants who may be affected by the conversion. Accordingly, tenants should have the option of staying in their units for an additional three-year period upon registration of the Approval Agreement. As well, the applicant has made a commitment to the tenants that the units will be sold at a maximum specified price. It is desirable to recognize this commitment within the Approval Agreement.

MLT/

APPENDIX "A"

MONTHLY RENTAL CHARGES AS OF FEBRUARY 12, 1997

222 Gage Avenue South

Unit 102 222 Gage Avenue South
Unit 102
Hamilton, ON
L8M 3M4

Rent: $379.00

Unit 105 222 Gage Avenue South
Unit 105
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 108 222 Gage Avenue South
Unit 108
Hamilton, ON
L8M 3M4

Rent: $620.00

Unit 109 222 Gage Avenue South
Unit 109
Hamilton, ON
L8M 3M4

Rent: $620.00

Unit 110 222 Gage Avenue South
Unit 110
Hamilton, ON
L8M 3M4

Rent: $536.00

Unit 111 222 Gage Avenue South
Unit 111
Hamilton, ON
L8M 3M4

Rent: $622.00

Unit 112 222 Gage Avenue South
Unit 112
Hamilton, ON
L8M 3M4

Rent: $408.00

APPENDIX "A"

Unit 201 222 Gage Avenue South
Unit 201
Hamilton, ON
L8M 3M4

Rent: $621.00

Unit 202 222 Gage Avenue South
Unit 202
Hamilton, ON
L8M 3M4

Rent: $539.00

Unit 203 222 Gage Avenue South
Unit 203
Hamilton, ON
L8M 3M4

Rent: $580.00

Unit 204 222 Gage Avenue South
Unit 204
Hamilton, ON
L8M 3M4

Rent: $531.00

Unit 205 222 Gage Avenue South
Unit 205
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 206 222 Gage Avenue South
Unit 206
Hamilton, ON
L8M 3M4

Rent: $593.00

Unit 207 222 Gage Avenue South
Unit 207
Hamilton, ON
L8M 3M4

Rent: $598.00

Unit 208 222 Gage Avenue South
Unit 208
Hamilton, ON
L8M 3M4

Rent: $622.00

Unit 209 222 Gage Avenue South
Unit 209
Hamilton, ON
L8M 3M4

Rent: $622.00

Unit 210 222 Gage Avenue South
Unit 210
Hamilton, ON
L8M 3M4

Rent: $536.00

Unit 211 222 Gage Avenue South
Unit 211
Hamilton, ON
L8M 3M4

Rent: $592.00

Unit 212 222 Gage Avenue South
Unit 212
Hamilton, ON
L8M 3M4

Rent: $539.00

Unit 214 222 Gage Avenue South
Unit 214
Hamilton, ON
L8M 3M4

Rent: $620.00

APPENDIX "A"

Unit 301 222 Gage Avenue South
Unit 301
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 302 222 Gage Avenue South
Unit 302
Hamilton, ON
L8M 3M4

Rent: $506.00

Unit 303 222 Gage Avenue South
Unit 303
Hamilton, ON
L8M 3M4

Rent: $592.00

Unit 305 222 Gage Avenue South
Unit 305
Hamilton, ON
L8M 3M4

Rent: $586.00

Unit 306 222 Gage Avenue South
Unit 306
Hamilton, ON
L8M 3M4

Rent: $621.00

Unit 307 222 Gage Avenue South
Unit 307
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 308 222 Gage Avenue South
Unit 308
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 309 222 Gage Avenue South
Unit 309
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 310 222 Gage Avenue South
Unit 310
Hamilton, ON
L8M 3M4

Rent: $533.00

Unit 311 222 Gage Avenue South
Unit 311
Hamilton, ON
L8M 3M4

Rent: $586.00

Unit 312 222 Gage Avenue South
Unit 312
Hamilton, ON
L8M 3M4

Rent: $544.00

Unit 314 222 Gage Avenue South
Unit 314
Hamilton, ON
L8M 3M4

Rent: $629.00

APPENDIX "A"

Unit 401 222 Gage Avenue South
Unit 401
Hamilton, ON
L8M 3M4

Rent: $621.00

Unit 402 222 Gage Avenue South
Unit 402
Hamilton, ON
L8M 3M4

Rent: $516.00

Unit 403 222 Gage Avenue South
Unit 403
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 404 222 Gage Avenue South
Unit 404
Hamilton, ON
L8M 3M4

Rent: $543.00

Unit 405 222 Gage Avenue South
Unit 405
Hamilton, ON
L8M 3M4

Rent: $616.00

Unit 406 222 Gage Avenue South
Unit 406
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 407 222 Gage Avenue South
Unit 407
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 408 222 Gage Avenue South
Unit 408
Hamilton, ON
L8M 3M4

Rent: $587.00

Unit 409 222 Gage Avenue South
Unit 409
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 410 222 Gage Avenue South
Unit 410
Hamilton, ON
L8M 3M4

Rent: $558.00

Unit 411 222 Gage Avenue South
Unit 411
Hamilton, ON
L8M 3M4

Rent: $592.00

Unit 412 222 Gage Avenue South
Unit 412
Hamilton, ON
L8M 3M4

Rent: $540.00

Unit 414 222 Gage Avenue South
Unit 414
Hamilton, ON
L8M 3M4

Rent: $599.00

APPENDIX "A"

Unit 501 222 Gage Avenue South
Unit 501
Hamilton, ON
L8M 3M4

Rent: $570.00

Unit 502 222 Gage Avenue South
Unit 502
Hamilton, ON
L8M 3M4

Rent: $540.00

Unit 503 222 Gage Avenue South
Unit 503
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 504 222 Gage Avenue South
Unit 504
Hamilton, ON
L8M 3M4

Rent: $537.00

Unit 505 222 Gage Avenue South
Unit 505
Hamilton, ON
L8M 3M4

Rent: $622.00

Unit 506 222 Gage Avenue South
Unit 506
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 507 222 Gage Avenue South
Unit 507
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 508 222 Gage Avenue South
Unit 508
Hamilton, ON
L8M 3M4

Rent: $603.00

Unit 509 222 Gage Avenue South
Unit 509
Hamilton, ON
L8M 3M4

Rent: $628.00

Unit 510 222 Gage Avenue South
Unit 510
Hamilton, ON
L8M 3M4

Rent: $516.00

Unit 511 222 Gage Avenue South
Unit 511
Hamilton, ON
L8M 3M4

Rent: $620.00

Unit 512 222 Gage Avenue South
Unit 512
Hamilton, ON
L8M 3M4

Rent: $520.00

Unit 514 222 Gage Avenue South
Unit 514
Hamilton, ON
L8M 3M4

Rent: $629.00

APPENDIX "A"

Unit 801 222 Gage Avenue South
Unit 801
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 802 222 Gage Avenue South
Unit 802
Hamilton, ON
L8M 3M4

Rent: $520.00

Unit 803 222 Gage Avenue South
Unit 803
Hamilton, ON
L8M 3M4

Rent: $576.00

Unit 804 222 Gage Avenue South
Unit 804
Hamilton, ON
L8M 3M4

Rent: $561.00

Unit 805 222 Gage Avenue South
Unit 805
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 806 222 Gage Avenue South
Unit 806
Hamilton, ON
L8M 3M4

Rent: $587.00

Unit 807 222 Gage Avenue South
Unit 807
Hamilton, ON
L8M 3M4

Rent: $622.00

Unit 808 222 Gage Avenue South
Unit 808
Hamilton, ON
L8M 3M4

Rent: $570.00

Unit 809 222 Gage Avenue South
Unit 809
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 810 222 Gage Avenue South
Unit 810
Hamilton, ON
L8M 3M4

Rent: $560.00

Unit 811 222 Gage Avenue South
Unit 811
Hamilton, ON
L8M 3M4

Rent: $620.00

Unit 812 222 Gage Avenue South
Unit 812
Hamilton, ON
L8M 3M4

Rent: $540.00

Unit 814 222 Gage Avenue South
Unit 814
Hamilton, ON
L8M 3M4

Rent: $587.00

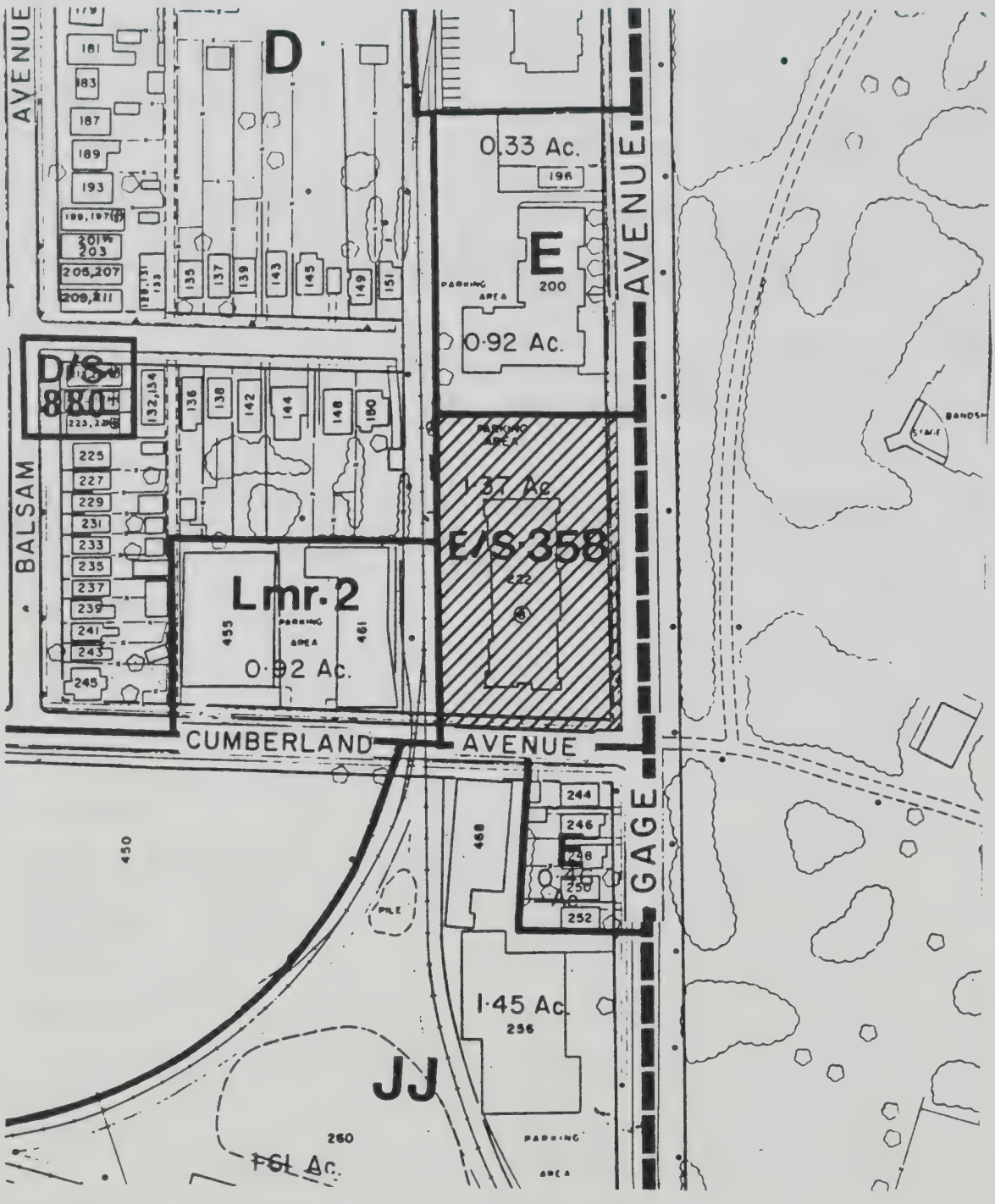
APPENDIX "B"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.



City of Hamilton

Location Plan For

222 Gage Ave South

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-96-004
	Date	Drawn By
	March 1997	FAB

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 26
(CI 96-G)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Future Locations for Charity Gaming Clubs

RECOMMENDATIONS:

a) That approval be given to City Initiative 96-G, for a general text amendment to Zoning By-law No. 6593 to define "charity gaming club", "table games" and "video lottery terminal (VLT)" and to permit a charity gaming club and video lottery terminal within the downtown area, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That a new Schedule "M" be added to Zoning by-law No 6593 as follows:

"Schedule M - Location of Charity Gaming Clubs"

ii) That Section 2.(2)D. be amended by adding the following new definition:

1) "(ibb) **"Charity Gaming Club"** shall mean any premises or parts thereof, containing table games and/or video lottery terminals.

For the purpose of this subclause;

a) **"Table Games"** shall mean games played at a Charity Gaming Club and shall include blackjack, baccarat, roulette, poker and any other such games approved by the Gaming Control Commission; and

b) **"Video Lottery Terminal"** shall mean a machine or device that allows a person to play a lottery scheme upon payment of money where that play may result in the receipt of a credit that can be redeemed for further play or money.

iii) That Section 14 of Zoning By-law No. 6593 be amended by adding the following subclauses:

"14.(1)(xviib) charity gaming club provided:

a) it is located within the Area shown on Schedule "M""; and,

b) no institutional uses and residential uses, except a hotel are permitted within the same building.

iv) That Section 15 of Zoning By-law No. 6593 be amended by adding the following subclause:

"15.(1)(xiva) charity gaming club provided:

a) it is located within the Area shown on Schedule "M""; and,

b) no institutional uses and residential uses, except a hotel are permitted within the same building.

v) That Section 15A of Zoning By-law No. 6593 be amended by adding the following subclause:

"15A.(1)(xxiiia) charity gaming club provided:

a) it is located within the Area shown on Schedule "M""; and,

b) no institutional uses and residential uses, except a hotel are permitted within the same building.

vi) That Section 15B of Zoning By-law No. 6593 be amended by adding the following subclause:

"15B.(3)(b)(21) charity gaming club provided;

a) it is located within the Area shown on Schedule "M""; and,

b) it is located wholly within a building used only for commercial or public uses as permitted in clauses (b) and (d).

(vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(viii) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

b) That City Council request Regional Council to consider a similar initiative to restrict charity gaming clubs to the "Regional Centre".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Planning and Development Committee Direction

The Planning and Development Committee, at its meeting of May 22, 1996, on the request of the Finance and Administration Committee, directed the Planning and Development Department to review the zoning requirements for future gambling locations within the City of Hamilton.

- Types of Casinos

For the purposes of this report, there are three different types of casinos:

- **monte carlo events (charity casinos)** which are held on a short term basis (i.e. maximum of 3 days); and limited to one event per calender month at any one municipally approved location. They can only operate until 4 AM. Blackjack and Wheel of Fortune are the games of chance. The Charity, which conducts the monte carlo event, is licensed by the Province (Minister of Consumer and Commercial Relations) under the Gaming Control Commission with the concurrence of the municipality.

- **casinos** are on a larger scale (i.e. Niagara, Windsor) and have a permanent site and are run 24 hours a day. There are several different games of chance including roulette wheel, slot machines, card games (i.e. blackjack), Wheel of Fortune. They are regulated by the Province (Minister of Trade, Economic Development, Trade and Tourism) through the *Ontario Casino Corporation.*

- **charity gaming clubs** are the newest form of gambling location. There will be a permanent site for this use which will operate 24 hours a day. Video lottery terminals will be permitted in conjunction with the charity gaming club facility. The facility is expected to have a maximum of 40 table games and 150 VLT's and is approximately one tenth the size of the Niagara type casinos.

The differences in the operation between a "casino", "charity gaming clubs" and a "monte carlo event" are the duration of the event, the location of the use, the type of games played, the use of slot machines or VLT's, betting limits, number of table games and/or machines and the provincial regulations.

- New Provincial Legislation - Bill 75

On November 19, 1996, Bill 75 - The Alcohol, Gaming and Charity Funding Public Interest Act received Royal assent. The Act merged the Liquor Licence Board of Ontario, the Gaming Commission of Ontario and some regulations under the Liquor Control Board of Ontario to form a new Commission titled the Alcohol and Gaming Commission.

The two most notable issues raised by the introduction of Bill 75 are: the introduction Video Lottery Terminals (VLT's) and the phasing out of temporary Monte Carlo events and the replacement with 44 permanent charity gaming clubs throughout the Province. The Province states:

> *"The Charity Gaming Club initiative is intended to address limitations and deficiencies that inhibit effective, efficient regulation of the gaming activity represented by the existing "roving" monte carlo events." (excerpt form Request for Proposal - Charity Gaming Club Project)*

This new Commission (once Bill 75 is proclaimed) also will control video lottery terminals. The Act defines it as follows:

> *"'Video Lottery' means a lottery scheme conducted and managed by the Corporation and operated on or through a video lottery terminal;"*
>
> *"'Video Lottery Terminal' means a machine or device that allows a person to play a lottery scheme upon payment of money where that play may result in the receipt of a credit that can be redeemed for further play or money."*

VLT's will be permitted in conjunction with the permanent charity gaming club. The Province is still reviewing the possibility of allowing them in hotels, restaurants, etc on a stand alone basis.

On February 17, 1997, the Province indicated there would be 44 charity gaming clubs within the Province and potentially, there are three sites within the Hamilton/Burlington/Oakville area.

Existing Regulations Affecting the Location of Monte Carlo Events (Charity Casinos)

- Provincial Regulations for Monte Carlo Events (Charity Casinos)

Currently, the Ontario Gaming Commission has established certain criteria for the location of monte carlo events. These criteria include:

- a maximum of one Monte Carlo Event can be held at a given location within one calendar month;
- the event can last no more than 3 days;
- the location must comply with all zoning and fire regulations;
- they cannot be located in places that are regularly licensed by the LLBO I.e. restaurants, bars, etc) unless there is a banquet type facility available for rent which is separate from the public establishment;
- the location must be available for rent to the general public; and
- there must be controlled access to the location.

Examples of suitable locations are: hotels, banquet facilities, service club halls, churches, community halls, convention centres. Locations that will not be licensed include restaurants/bars, pool halls, shopping malls, warehouses, business offices, private homes /dwellings, etc.

The majority of these events are held at banquet halls. Other locations include the Convention Centre and hotels.

The Province licences the monte carlo events. All applications are sent to the City for a review of the eligibility of the charity and the approval of the location. The City Clerks Department sends a report to the City's Licensing Committee and subsequently City Council commenting on the application. The City's recommendation is then forwarded to the Province.

- Official Plan

  The use would not conflict with the intent of the Official Plan since monte carlo events are accessory to the principle use (i.e. public hall, hotel, etc.).

- Zoning by-law Regulations

  As noted, according to the provincial criteria, charity casinos are held at locations that have "public hall" licences. "Public hall" licences are granted to facilities such as banquet halls, hotels, etc. Prior to the issuance of a public hall licence, the use must be permitted in the zoning district. On this basis, the principle use is the banquet hall, hotel, etc. the charity casinos are considered accessory to or incidental to that use. These uses are permitted within several zoning districts.

Regulations Affecting the Location of Charity Gaming Clubs

- Provincial Regulations

  As noted, the charity gaming clubs will be controlled through the Alcohol and Gaming Commission (Bill 75). It will be responsible for the regulations of the gaming activities at the gaming clubs. The Province will be selecting operators to run these facilities. The intent of these facilities is to be *"integrated into the local environs"*. Zoning approval will be required.

  Once a permanent site(s) for the charity gaming club is designated then the roving monte carlo events will cease.

- Official Plan

  The use would not conflict with the intent of the Official Plan in that sites where the zoning districts are permitted are designated CENTRAL POLICY AREA, INDUSTRIAL or COMMERCIAL.

- Zoning Regulations

  Under the existing Zoning By-law regulations, a charity gaming club and a VLT could be considered as "places of amusement". As such, they could be located in the following zoning districts:

  - "G-2" (Regional Shopping Centres) District;
  - "HH" (Restricted Community Shopping and Commercial, etc.) District;

- "I" (Central Business) District;
- "J" (Restricted Light Industrial) District; and,
- "K" (Heavy Industrial) District.

Survey of Other Municipalities

Based on a survey of other municipalities, London and Burlington consider charity gaming clubs as a permitted use in certain industrial and commercial districts. However, they are reviewing their zoning by-law to determine appropriate standards for such uses. In addition, Brantford is undertaking a review of their zoning by-law vis-avis charity gaming clubs.

Within the Region, Dundas and Ancaster do not specifically define "charity gaming clubs"; Flamborough considers them as "places of amusement" and permits them in urban commercial zones.

IMPACTS ON THE COMMUNITY

One of the major community impacts for monte carlos and more particularly charity gaming clubs and casinos is the traffic generation and the parking associated with these uses. Inadequate parking results in spillover parking where these uses abut residential areas. This situation becomes a neighbourhood nuisance.

However, the existing regulations the Province has imposed for the operation of Monte carlo events has the effect of minimizing any potential impacts on the surrounding area:

1) the location of these events are restricted to public halls or places of assembly. Typically, these places have an adequate amount of parking.

2) Since the events are held for a maximum of 3 days and are restricted to one event a month, any potential spill over impacts into the adjacent residential area will be temporary.

However, a permanent location creates impacts on the community that are not present with the existing roving monte carlos locations. These impacts are, but not necessarily limited to the following:

- the charity gaming club will be operating, potentially, on a 24 hour basis; thereby creating more traffic problems and potential land use conflicts;
- the event itself could be larger than the existing ones due to the new location; and,
- the operation of the charity gaming club is intended to change with the introduction of VLT's.

LAND USE OPTIONS FOR CHARITY GAMING CLUBS

In considering the future location of such a facility, it is appropriate to consider a number of issues including; the availability of parking; accessibility of public transit, the impact surrounding lands uses, particularly sensitive lands uses such as residential and institutional, etc.

Option 1 - status quo

As noted, a charity gaming club could be considered as a "place of amusement" in the Zoning By-law. In this regard, the location for a charity gaming club would be permitted in the following districts:

- "G-2" (Regional Shopping Centres) District;
- "HH" (Restricted Community Shopping and Commercial, etc.) District;
- "I" (Central Business) District;
- "J" (Light and Limited Heavy Industry) District; and,
- "K" (Heavy Industrial) District.

Advantages:

- These sites tend to have sufficient parking because of the nature of their existing operations.
- The industrial districts are generally separated from residential areas thereby, minimizing impacts on surrounding land uses.
- There would be larger area of the City where such a use could locate.
- It would be appropriate to specifically define both the term "charity gaming club" and "video lottery terminals" to ensure there is no confusion between these uses and other uses such as "penny arcade", "place of amusement", "place of assembly", etc..

Disadvantages:

- It is preferable to define charity gaming clubs as a separate use, instead of considering it as a "place of amusement" since they have different land use and social characteristics.
- The "G-2" District is not likely to have a charity gaming club since shopping centres are not designed as a place where a larger number of people congregate in one area.
- Some of the areas of the City, particularly the industrial districts, are not as accessible by public transit as others.

Option 2 - Define Charity Gaming Club and Video Lottery Terminal in the Zoning By-law and permit them in several zoning districts

The intent is to define charity gaming clubs and VLT's in the Zoning By-law and to permit them within the following industrial districts:

- "J" (Light and Limited Heavy Industry) District;
- "JJ" (Restricted Light Industrial) District;
- "K" (Heavy Industrial) District;
- "KK" (Restricted Heavy Industry) District;
- "M-13" (Prestige Industrial) District.

and to permit them within the following districts within the Downtown area (see the attached map):

- "I" (Central Business) District;
- "CR-3" (Commercial-Residential) District
- "H" (Community Shopping and Commercial, etc.) District;
- "HI" (Civic Centre Protected) District; and,
- "J" (Light and Limited Heavy Industrial) District.

With respect to the "CR-3" District, the use should be restricted to buildings that are used for commercial and/or public uses only; thereby avoiding any potential conflict with residential uses.

In addition, since the legislation is intended to allow VLT's on the permanent charity casino site; then the zoning by-law should be amended to introduce the definition of VLT's and to permit VLT's in conjunction with the charity gaming club **only**.

Parking standards for this use should be established at one space per 6 persons lawfully accommodated. This is the same parking standard that currently is used for places of assembly in the Zoning by-law and would apply to the districts outside the downtown area only since there are no commercial parking requirements in the downtown.

Advantages:

- This use is similar to other uses of an entertainment nature (i.e. adult entertainment parlour, museum, art gallery) that currently are permitted within those zoning districts.

- It complies with the intent of the CENTRAL POLICY AREA and INDUSTRIAL designations of the City's Official Plan.

- These sites tend to have sufficient parking because of the nature of their existing operations.

- It would be appropriate to specifically define both the term charity gaming club and video lottery terminals to ensure there is no confusion between these uses and other uses such as penny arcade, place of amusement, place of assembly, etc..

Disadvantages

- Some of the areas of the City, particularly the industrial districts, are not as accessible by public transit as others.

Option 3 - Define Charity Gaming Club and Video Lottery Terminal in the Zoning By-law and permit them in the Downtown

The intent is to define charity gaming clubs and VLT's in the Zoning By-law and permit them within the following districts within the Downtown area (see the attached map):

- "I" (Central Business) District;
- "CR-3" (Commercial-Residential) District
- "H" (Community Shopping and Commercial, etc.) District;
- "HI" (Civic Centre protected) District; and,
- "J" (light and Limited Heavy Industrial) District.

With respect to the "CR-3" District, the use should be restricted to buildings that are used for commercial and/or public uses only; thereby avoiding any potential conflict with residential uses.

In addition, since the legislation is intended to allow VLT's on the permanent charity casino site; then the zoning by-law should be amended to introduce the definition of VLT's and to permit VLT's in conjunction with the charity gaming club **only**.

Advantages:

- This use complies with the CENTRAL POLICY AREA designation of the City's Official Plan particularly:

  - the role of the CPA as the primary commercial centre of the Region [Policy A.2.8.3];

  - it is the preferred location of major commercial establishments in the Region [Policy A.2.8.3(i)]; and,

  - Council will encourage ..the location, promotion and/or expansion of tourist facilities in the CPA [Policy A.2.8.6(ii)].

- The Regional Official Plan promotes the use of the "Regional Centre" as the most important mixed use area and encourages specialized community business services in this area.
- This use is compatible with and complementary to the wide variety of commercial uses (i.e. restaurants, hotels, retail stores, etc.).
- This use would further strengthen the role of the downtown core as an entertainment/cultural centre.
- It will likely attract people to the Downtown area and be of a benefit to the tourism industry.
- There are a large number of public and private parking spaces.
- This area has the highest level of accessibility of public transit.
- It is appropriate to restrict the uses to building containing commercial, light industrial or certain institutional uses only, given that residential and institutional uses are not suited mix with charity gaming clubs.
- There is greater police presence in the downtown area.

Disadvantages

- It will restrict the location to a smaller area of the City.

Additional Comments:

The Hamilton-Wentworth Police Department has advised that:

> *"We have reviewed your report on possible locations for permanent Casino Sites. We share your concern about increased problems associated to these operations.*
>
> *In addition to problems with parking and traffic we are concerned with the increased incidents of crime associated to these operations. While placing these clubs in the downtown area appears appropriate, this will not address the crime problem.*
>
> *Experience has shown these 24 hour casino type operations attract a transient population and there will be an increase in demands on our Police Service. It is imperative that businesses and residents located in the vicinity of these operations have an additional commitment of Police resources.*

Improvements to street lighting and security monitoring in public parking areas will be priorities as well. Any additional costs resulting from Gaming Clubs should be paid for by the province. In the case of Windsor and Niagara the Province funded cost for additional policing and other improvements from projected Casino revenue.

These proposals will have significant implications for the Police Service and we are willing to participate in the development and approval process."

Although the Hamilton-Wentworth Regional Police support Option 3, they have indicated there will be additional costs to the municipality such as policing, lighting, etc.

This report was prepared in conjunction with the Building, City Clerks and Law Departments.

SUMMARY:

Based on the three land use options, the preferable land use option is **Option 3** to define "charity gaming club", "table games" and "video lottery terminal" and to permit the uses within the downtown area, for the following reasons:

- this use complies with the both the City's and the Regional Official Plans which promote the downtown as the centre of the Region which should contain the major commercial uses.
- this use is compatible with and complementary to the wide variety of commercial uses (i.e. restaurants, hotels, retail stores, etc.).
- this use would further strengthen the role of the downtown core as an entertainment/cultural centre and potentially create more tourism.
- there are a large number of public and private parking spaces.
- this area has the highest level of accessibility of public transit.
- it is appropriate to restrict the uses to building containing commercial, light industrial or certain institutional uses only, given that residential and institutional uses are not suited mix with charity gaming clubs.
- there is greater police presence in the downtown area.

Given the importance of the Downtown as the Regional Centre, it would be appropriate to request the Region to consider a similar initiative of restricting these uses to downtown Hamilton for the reasons stated above.

CONCLUSION:

Based on above, City Initiative 96-G can be supported.

JHE

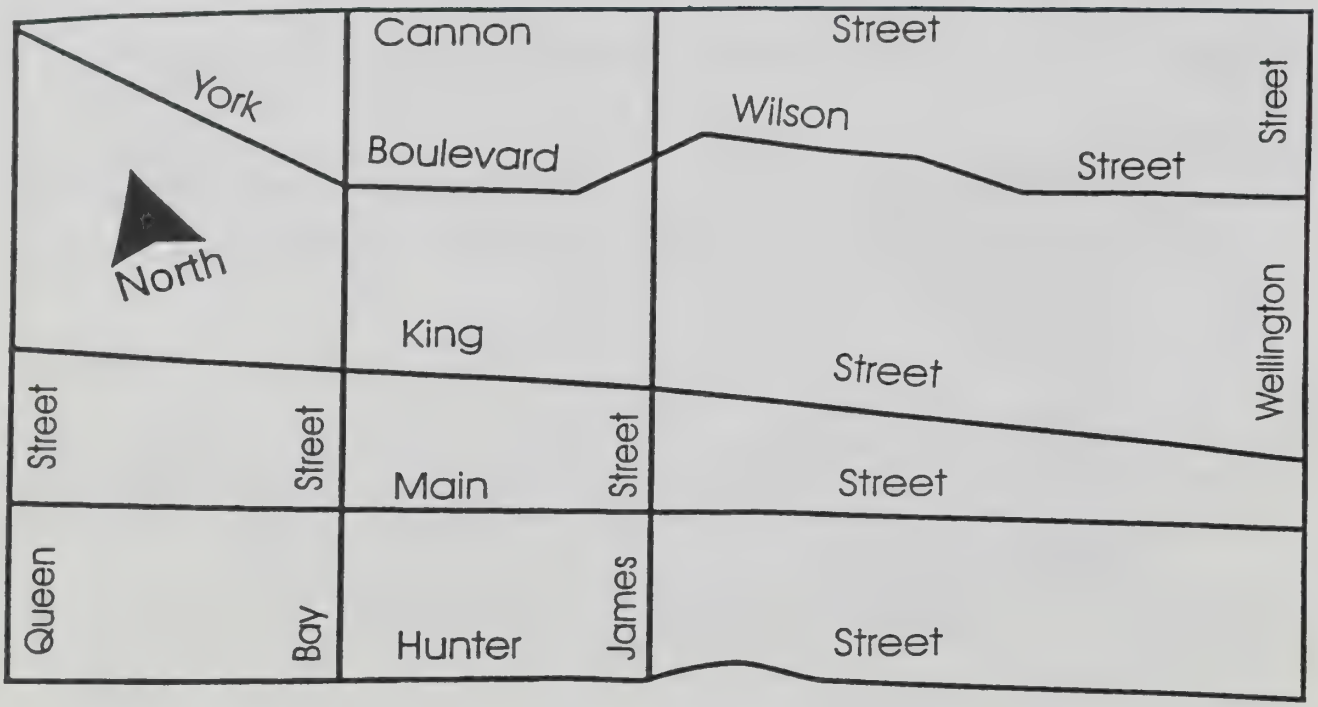
c:ci96g.rpt

cc. Kenneth Robertson
Deputy Police Chief

Patrice Noe Johnson
City Solicitor

Joe Schatz
City Clerk

Len King
Building Commissioner



City of Hamilton

APPENDIX A

Planning and Development Department

Legend

Location of Charity Gaming Clubs

(For specific zoning districts, refer to By-Law text)

North	Scale	Reference File No.
	Not to Scale	CI-96-G
	Date	Drawn By
	March 1997	J. M.

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Barton Street Revitalization - Streetscaping Component - Awarding of Contract for Project Between East Avenue and Leeming Street.

RECOMMENDATION:

1. That the Region be authorized to act as the City of Hamilton's agent by providing construction and contract administration services for the construction of the Barton Street Streetscaping Project between East Avenue and Leeming Street;

2. That a purchase order be issued to the Region in the amount of $290,000. to cover the estimated cost of providing services;

3. That $280,000. of the costs associated with these works be charged to Account Number CH 24107 00001 (a holding account) and, $10,000. be charged to Account Number CF 5204 428705008 (the Commercial Improvement Program).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient monies are contained in Account Number CH 24107 00001 which is a holding account for the $1,000,000. allocated to the City of Hamilton by the Province of Ontario for The Barton Street Revitalization Project. Sufficient monies are also contained in Account Number CF 5204 428705008 The Commercial Improvement Program.

The maintenance implications were approved through the Capital Budget process and will be in place upon completion of the project.

BACKGROUND:

City Council at its meeting held 1996 December 10, approved the implementation of centre medians and sidewalk widenings on Barton Street between East Avenue and Leeming Street under the Barton Street Revitalization Project. Staff from the Public Works and Traffic Department prepared the concept drawings for the project and Regional staff were responsible for the working drawings and tender process.

The tenders were received as follows:

Bidder	**Amount (not including contingency and G.S.T.)**
Dufferin Construction	$305,115.00
LaFarge Construction	$289,989.25
L.M. Enterprises	$310,750.00
991877 Ontario OBN	$266,777.00
Stephens & Rankin	$288,535.00

The Region will award the Contract to the lowest bidder (991877 Ontario OBN) in the amount of $266,777. The total amount of the Contract including G.S.T. and Contingency is $304,780. The Region's engineering/administration charges brings the total amount of this component of the project to $337,000. The Region will contribute $47,000. through its Annual Streetscaping and Regional Roads Account towards the project.

Other components of the project that are not included in the above tender include: trees, planting material, lighting, banners. City staff will tender these components through a separate process. The following is a breakdown of accounts that will be utilized to fund these components:

The Commercial Improvement Program Account	$47,000.
The City's 1997 Street Lighting Account	$45,000.
The City's 1996 Road Reconstruction Account	$35,000.
The Region's Annual Streetscaping on Regional Roads Account	$13,000.
TOTAL	**$140,000.**

DL:HM:hm
P&DBarton.Award

c.c. Peter Lampman, Building Department
Ray Camani, Treasury Department
Doug Onishi, Roads Department

2(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 26

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director, Planning and Development Department

L.C. King, P.Eng.
Building Commissioner

SUBJECT: Downtown Revitalization
Gore 2000 Program

RECOMMENDATION:

(a) That the City of Hamilton, pursuant to its mandate of Community Improvement and Renewal under the Planning Act, implement the heritage funding program known as the "Gore 2000" Program (as generally outlined in the attached Appendix "A") to provide matching grants to owners of buildings for facade restoration; improvement of storefront design and commercial signage; and installation of canopies, based on the Gore Heritage Design Study; and

(b) That these matching grants be made available for buildings located within the Gore Heritage Area, King St. East from James to Catharine Streets (identified in Appendix "B").

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
A capital budget of $200,000. has already been approved for the Gore 2000 Program by City Council on March 18, 1997, as a component of the "Restore the Core-Downtown Hamilton

Improvement Plan" for 1997. It is a matching grant program with the monies being awarded after the successful completion of the project.

The program will be administered by existing staff resources. The Planning and Development Department will provide the technical advice and approval for the matching grants; and the Building Department, Housing and Loans Division, will provide the administration of the Gore 2000 program.

BACKGROUND:

Basis for the Gore 2000 Program

The Gore Heritage Design Study was initiated by the Mayor as a result of the conclusions of the Mayor's Task Force on Downtown Issues and Renewal. The need to improve the appearance of the buildings was recognized as critical to the revitalization of the downtown. The Gore Heritage Design Study was approved in principle by City Council on October 8, 1996.

The Gore Heritage Design Study, Part II, put forward the following methods for implementing the goal of restoring the architectural quality of the Gore:

-by establishing principles and guidelines for the restoration of the heritage facades of the buildings (2.4); improvement of storefront designs (2.5); and commercial signage (3.4); and canopies (3.5), and

-by providing financial incentives such as matching grants to restore the heritage buildings on the Gore (5.2).

The proposal is in conformity with the Planning Act, Section 28, in that the Gore area is located within the boundaries of the Community Improvement Project Area. A corresponding Community Improvement Plan, approved by City Council and the Province, specifically provides for the implementation of Heritage grants (9.v) and the Gore Park Heritage Study (9.vv).

Essence of the Proposed Program

Purpose:

Revitalization of the downtown will ultimately require a new image for the Gore. This new image can only be achieved by a clearly recognizable and meaningful change. It is recognized in the "Restore the Core-the Downtown Hamilton Improvement Plan" that public streetscaping improvements need to be augmented by the corresponding visual improvements to the Gore's surrounding built environment to bring about this meaningful change. The Gore, by virtue of its economic and social importance to the health, image and sustainability of the City, is considered a top priority of downtown revitalization.

Proposed Funding:

It is proposed that the Gore 2000 Program will provide $200,000. per year for three years, to be reviewed each year. Funding for the first year, 1997, has been approved. Funding for the subsequent two years is included in Phase II and Phase III of the Downtown Hamilton

Improvement Plan, respectively. The purpose is to provide a brief but golden opportunity to the Gore property owners to transform their buildings and, thereby, serve as a catalyst for renewal.

Where Will the Program Apply?
The program will apply to the properties within the Gore Heritage Area, King St. East from James St. to Catharine St.

Who will be Eligible for Program Funding?
Owners of properties in the Gore Heritage Area with no tax arrears are eligible. Properties to be funded must comply with the zoning by-law.

What will be Eligible for Program Funding
The Gore 2000 Program is a three-part project designed to revitalize the Gore by providing matching grants to: (A) restore the historic building facades and improve the storefronts; (B) improve the quality of the commercial signage; and (C) enhance pedestrian amenities through the use of canopies. Proposals must meet the prescribed design criteria. Funding will be in the form of matching grants, ranging up to $5,000. for each 20 linear feet to a maximum of $ 20,000. per property. Buildings designated under the Ontario Heritage Act are eligible for an additional $5,000. matching grant. Design, labour and materials are eligible but not the owners' "sweat equity".

Are there any conditions?
In the event of demolition or removal of funded improvements within the first 5 years of awarding the grant, the owner of the property will be responsible for repaying the full amount of the grant back to the City.

Who will Administer the Program and How?
Applications will be taken in by the Housing and Loans Division of the Building Department. The technical processing of the grant will be undertaken by the Planning and Development Department, Heritage Planning staff.

During pre-submission meetings, Guidelines for Heritage Restoration, Improving Storefronts, Signage and Canopies will be provided to each interested property owner/tenant. Each application will be reviewed, following the procedure established for other heritage funding programs. When the final drawing is submitted and the proposal approved by the Planning and Development Committee, the applicant is then entitled to proceed with the project. Approval of the technical work will be done by the Planning and Development Department after a site visit. The Housing and Loans Division will forward the grant money.

Program Benefits

- The Gore 2000 Program demonstrates the City's leadership in a joint public-private funding approach. Joint public-private ventures are needed for long lasting revitalization of the downtown. Toronto's Downtown Yonge St. Commercial Facade Improvement Grant and Loan Program has led to a development investment on Yonge St. ten times the value of the original matching grants.

-The Gore 2000 grants can be used in conjunction with other improvement programs such as the Convert-to-Rent program, the Commercial Improvement Program and the Community Heritage (loan) Fund, provided the Gore 2000 design criteria are employed, to spur on the renewal of the building's interior as well as exterior.

-The Gore 2000 funding enables small-scale developers to participate in and contribute to downtown revitalization.

-A greatly enhanced streetscape will help attract more people into the Gore Park area, the ultimate goal of downtown revitalization.

-Renovation and restoration work is labour intensive and will serve to create jobs for smaller and more specialized firms.

-Economic recovery will lead to increased taxes.

-With this effort to revive and enhance the Gore buildings, the City will demonstrate its long-term commitment to downtown revitalization, its support of the private property owners who carry the financial responsibility for the Gore, and its belief in Hamilton's future.

APPENDIX "A

PART A: **RESTORE THE BUILDING FACADES**

Purpose: To transform the public image of the Gore from an ailing inner core into a vibrant, renewed heart of the city through the restoration of its rich and genuinely historic architectural streetscape.

Eligible Work: Restoration of the historic facades includes repointing of masonry, repair or replication of the original cornice, windows, and decorative features such as window lintels, finials, cresting, etc., as well as the removal of unauthentic building facing, in accordance with the basic principles of heritage conservation and building improvement established in the Gore Heritage Design Study, approved by Council and "Guidelines for Heritage Conservation in the Gore".

Improvement to Storefront Design includes restoring large display windows, repairs to baseboards, transom windows, original columns and entrances, secondary doors, in accordance with the basic principles identified in the Gore Heritage Design Study, as well as improvement to the commercial signage and installation of canopies, which follows.

PART B: **IMPROVE THE QUALITY OF THE COMMERCIAL SIGNAGE**

Purpose: To rediscover the inherent quality of the Gore by replacing the over-sized and excessive signage with ones which are clear, attractive, consistent and which together create an exciting downtown core.

Eligible Work: Included in this category are the design, production and installation of commercial signage which is in accordance with the principles of good signage found in the Gore Heritage Design Study and the Signage Guidelines for the Gore. Design of the signage should fit with the character of the host building.

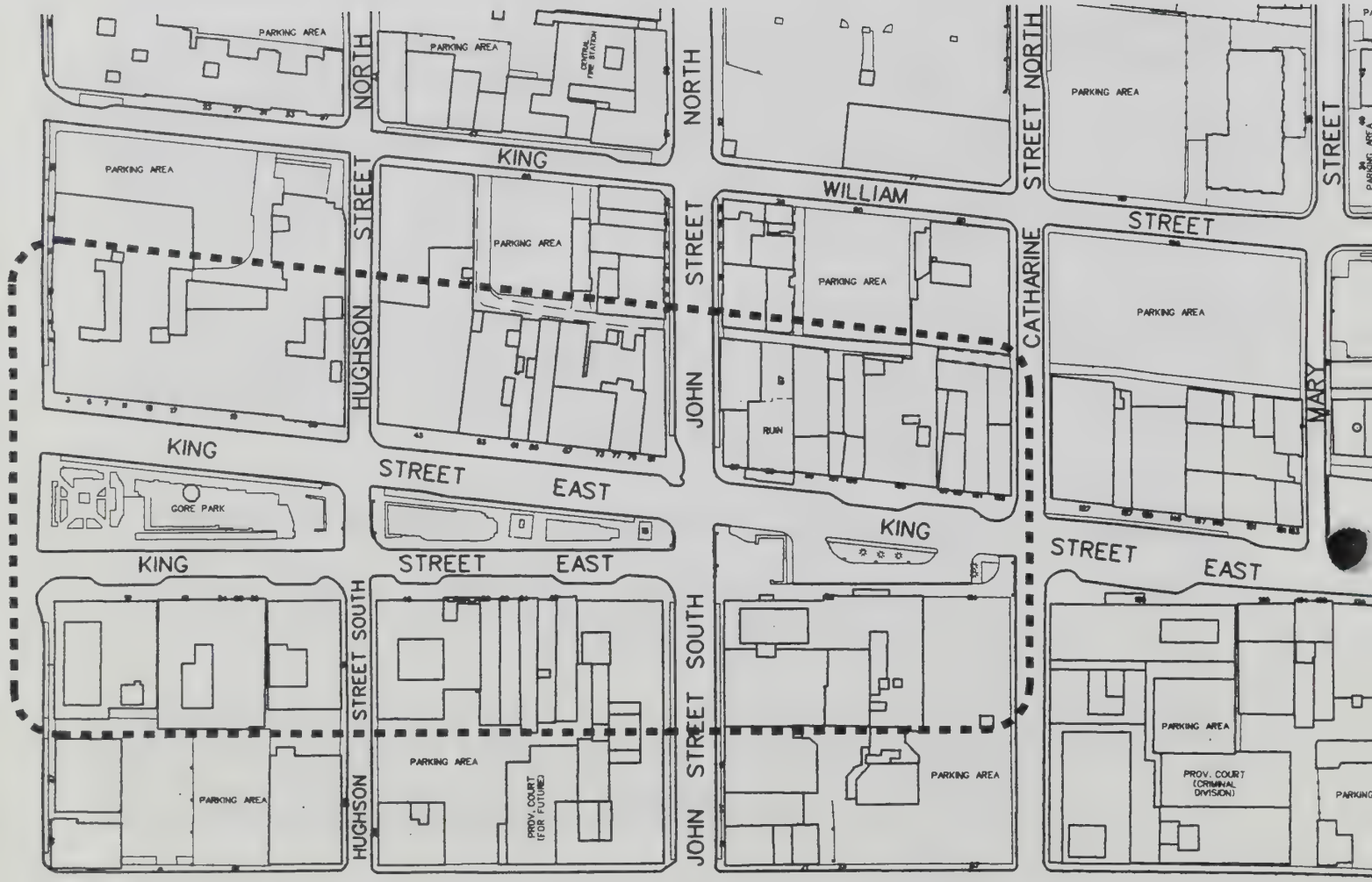
PART C: **ENHANCE THE PEDESTRIAN AMENITIES THROUGH THE USE OF AWNINGS/CANOPIES**

Purpose: To provide protection for pedestrians against rain, snow and excessive sun; and to introduce a dynamic design feature at the ground level which would create a visually lively and unifying enhancement of the public space.

Eligible Work: Included as eligible costs are the design, production and installation of canopies, in accordance with the established guidelines and any by-law requirements which determine a minimum height, a standard width of projection and traditional location on the front facade.

APPENDIX "B"

GORE 2000 PROGRAM



GORE HERITAGE AREA

King Street East from James Street to Catharine Street

WARREN DAVIES
9 Rossmore Ave.
Hamilton , Ontario L8P 2N2
(905) 523-1379

5(b)(i)

March 19, 1997

Alderman Don Drury, Chairperson
Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Mr. Drury :

Re : Request to amend K- Zone on Frid St. and Chatham St.

The residents of Hamilton do hereby request that, based on a city initiative, the Planning and Development Committee enact a spot amendment to the K-zone by-law which would eliminate the processing of waste materials on any property bordering Frid Street and Chatham Street. This spot amendment has the following merits :

1. It reflects our Community's standards of safety and propriety.

2. It reinforces the Official Plan's " Special Policy Area " status for this industrial park.

3. It is an effective response to an immediate need in that the Community is currently being served notice that land within the area is being considered for a potential processing site by a company within the waste management industry.

4. It is a responsible response whereby our Community serves specific notice to any and all companies in the waste management industry that such activity is not permitted in the industrial park serviced by Frid Street and Chatham Street.

This spot amendment represents the first stage in what is anticipated will be a multi-stage re-zoning process within the industrial rectangle defined by Longwood, Aberdeen, Main, and Dundurn Streets. We anticipate that this process will be a co-operative effort reflecting the objectives of the area's residential and business communities. This updating of the area's zoning by-laws will reinforce the "Special Policy Area" provisions of the Official Plan and reflect the progressive aims most recently expressed in our Region's Vision 2020 initiative.

We do hereby request that the proposed spot amendment be presented to the Planning and Development Committee on April 2, 1997 , and that representatives of both the residential and business communities be permitted to address the Committee at that time to further elaborate on the merits of the amendment.

Yours truly,

R W Davies

Warren Davies
Residential Representative

c.c. : Victor Abraham, Bill Janssen, Mary Kiss, Marvin Caplan, Nikola Patti, Helene Fallen, Val Terluk, Hardy Wong, Lillian Ross, Norm Sterling, Dennis Mathers, John Daneliuk.

5(b)(ii

PLANNING AND DEVELOPMENT DEPARTMENT

MEMORANDUM

****

TO:	Alderman Don Drury and Members of the Planning and Development Committee	YOUR FILE:	
FROM:	V.J. Abraham, M.C.I.P., R.P.P. Director Planning and Development Department	OUR FILE: PHONE:	4331 546-4258
SUBJECT:	"K" Zoned Lands - Frid and Chatham Streets	DATE:	1997 March 25

On March 19, Alderman Drury received a letter from Mr. Warren Davies requesting the City to undertake a City Initiative to rezone all properties bordering Frid and Chatham Streets, as shown on the attached map marked as APPENDIX "A. The intent of the rezoning request is to remove processing of waste materials as a permitted use in the "K" (Heavy Industrial) District.

For the information of the Committee, it would be preferable to have a more comprehensive approach to the rezoning rather than through spot zoning, for the following reasons:

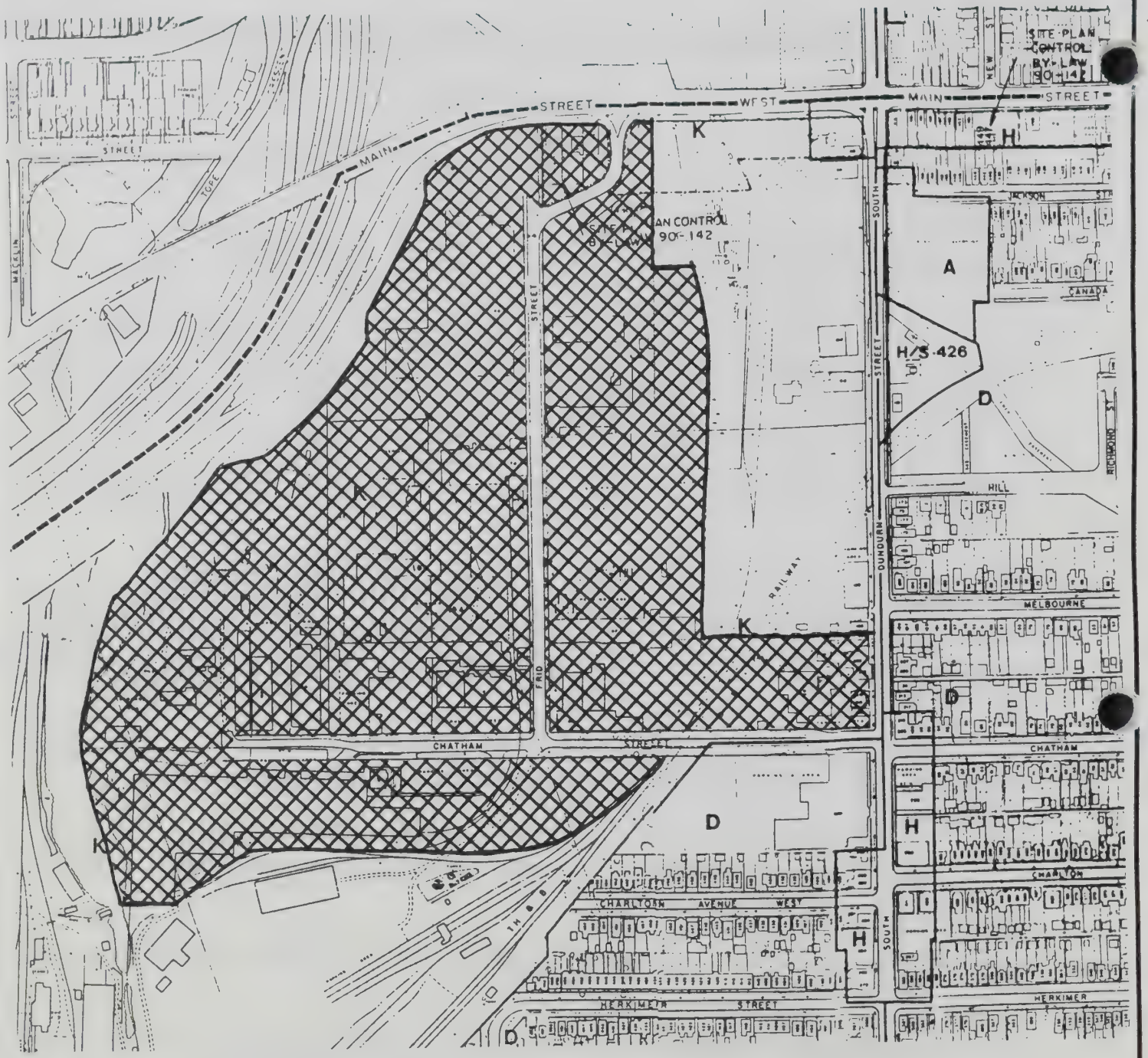
a) there are other "K" zoned lands (former CP roundhouse property, Rothwell building, etc.) that are in closer proximity to residential areas than those lands located on Frid and Chatham Streets;

b) the rezoned "K" lands will still be surrounded by other "K" zoned lands where processing of waste material would be permitted; and,

c) there are other industrial uses that have operational characteristics similar to the processing of waste material that are permitted in the "K" District. These uses may have greater negative impacts.

Based on the above, the Department is seeking direction on Mr. Davies request. This initiative is not part of the Work Program and therefore, it would have an impact on the departmental priorities. Approval of this City initiative will require that other projects be put on hold.

cc. Alderman Mary Kiss
Ward 1



City of Hamilton

Location Plan For

K-Zone
Frid St./ Chatham St.

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	
	Date	Drawn By
	March 1997	FAB

6.

13 March 1997

City of Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

MAR 19 1997

MAR 17 1997

To: Mayor Robert Morrow
Alderman Mary Kiss
Alderman Marvin Kaplan
Leonard King, Building Commissioner

Re: #189 Cline Avenue South, and How it Pertains to the Continuing Student Housing Problem

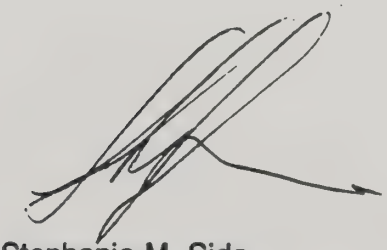
After speaking at the Committee of Adjustment hearing on 22 January 1997, regarding an **ILLEGAL** conversion of a garage into a student bedroom, I have encountered one frustration after another. After we apparently "won" this hearing, I have since found out that this means virtually nothing. The landlord is allowed to continue to rent his garage as a bedroom to student/s and sometime in the future, will be allowed to expand his parking area (to three times the size of any other driveway in the neighbourhood), to accommodate the "Parking By-Laws" - as well as all of the student's cars. Meanwhile, you have sent a clear message to other student landlords that they need not apply for a building permit as nothing will happen if they build illegally. They can also shove as many students as they please into a so-called "Single Family Dwelling", as long as those student are willing to share one lease.

As you seem either unwilling or unable to find a solution to the problem of the student explosion into a Single Family Dwelling area in West Hamilton, I have found one for you. Enclosed with this letter is a copy of Hamilton's By-Law No. 6593 regarding Lodging houses, as well as the City of Guelph's By-Law Number (1992) - 14087, also pertaining to Lodging houses. Why Guelph's By-Law you may ask. As an employee of the University of Toronto, I have researched the student housing situation in other Ontario University cities and found that Guelph is one of the most successful at housing students off campus **and** keeping their community happy by not subjecting them to student slums. The difference between the two By-Laws appears to be the statement "...or gain directly or **indirectly** to more than 3 other person...". This therefore eliminates the sharing of one lease as a way of negating the actual number of people living in a "Single Housekeeping Unit". You may have noticed that Guelph's Lodging House By-Law is also rather more extensive and explicate than that of Hamilton. I would like to know what exactly prevents Hamilton from adapting such a By-Law. I am aware of the city's desire to revitalize the downtown core, and believe that by encouraging the students to integrate further into the whole of the community, by

adapting such a By-Law, you will aid in that capacity. Now that the students will be receiving a free Bus Pass with their tuition (for the next three years), there is no reason for them to be housed exclusively in Westdale; especially as 5,000 more of them will be moving down from Mohawk College!

I have heard from each of you, directly or indirectly, that the only reason you can not control the overwhelming student housing situation in West Hamilton is because "the Province refuses to define a family". This somehow makes it impossible for you to limit the number of students who reside in one Single Family, C-Zoned dwelling, "as long as they share one lease!". This is also getting tiresome. The City of Guelph has found a solution instead of waiting on the Province to find one for them. Therefore, I am pointing you toward this solution, that I am sure you will agreed is a viable alternative. I would appreciate the opportunity to discuss this solution and it's implementation directly.

I am painfully aware that this is considered neither a priority not a "problem" at City Hall. Let me assure you that with the impending increase in taxes for West Hamilton, in an election year, you will be hearing more about this newly formed student slum area also known as Westdale. You have allowed our area to be governed by the lifestyle of students and students alone and yet you are looking to the Home Owners for more money; I believe your priorities need reevaluating.



Stephanie M. Side
200 Cline Avenue South
Hamilton, Ontario
L8S 1X4

cc. Cline Avenue South Family Neighbourhood Group

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 April 2
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1997 March 19

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Final Lot Grading and Sodding Contract for Various Subdivisions During 1997

(ii) Commercial Improvement Program - Ottawa Street B.I.A.
Increased Security Through the Attachment of Luminaires on Privately Owned Buildings adjacent to Alleyway

C. CHIEF ADMINISTRATIVE OFFICER/ DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Request for a one year extension for the approval of Site Plan Control Application DA-93-18 for development of a 51 unit apartment building at 52-62 Victoria Avenue South

(ii) Application to Remove Part-Lot Control "Allison Estates - Phase 1, Stage 2" Subdivision, Registered Plan 62M-795

(iii) Wellington Chase Phase 5 - City of Hamilton
Cash Payment in lieu of 5% Land Dedication

D. CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PROPERTY

Request from T. Valeri Construction Limited, Owner of 1198 - 1208 Stone Church Road East for a Quit Claim Deed from City - Release of Covenants in Instrument No. 411888CD

E. BUILDING COMMISSIONER

Barton Street Revitalization Murals

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

7(A)

Wednesday, 1997 March 19
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Mayor R. M. Morrow Alderman Wm. McCulloch Alderman F. Eisenberger Alderman M. Caplan Alderman B. Charters Alderman H. Merling
Regrets:	Alderman G. Copps, Vacation
Also present:	Victor Abraham, Director of Planning and Development Department John Sakala, Planning and Development Department Bill Janssen, Planning and Development Department Joanne Hickey-Evans, Planning and Development Department Nina Chapple, Planning and Development Department Patrice Noé Johnson, City Solicitor Ed Switenky, Public Works and Traffic Department Eugene Chajka, Regional Environment Department Peter Lampman, Building Department Mark Mascarenhas, Building Dept., Housing and Loans Div. Tina Agnello, Secretary

1. **Proposed Official Plan Amendment in the Bayfront Industrial Area**

A submission was received from Scott Konkle of the Hamilton Region Conservation Authority.

Joanne Hickey-Evans advised that this Official Plan Amendment involves Hamilton Harbour matters. In 1983 a By-law was passed to establish zoning for water lots. The accompanying Official Plan Amendment was not passed, therefore they are now passing the Official Plan Amendment.

As recommended in a report dated 1997 March 6 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 137 designating four parcels of land in the Bayfront Industrial Area from "Open Water" to "Industrial" to recognize the prevailing zoning districts; and,

(b) That the Director of Planning and Development be directed to prepare a By-law in a form satisfactory to the City Solicitor, to adopt Official Plan Amendment No. 137 for presentation to City Council.

2. **Zoning Application 97-02 by Rosart Properties, Inc., lessee, for a Further Modification to the Established "G-1" District Regulations for Lands Located at 310 Limeridge Road West**

Submissions were received from the following:

(a) Susan Woodrow, 21-299 Limeridge Road West
(b) Sherry and John Noseworthy, 12-299 Limeridge Road West
(c) Michael and Sandi Falcone, 19-299 Limeridge Road West
(d) Ron Cohen, 20-299 Limeridge Road West
(e) Stan and Teresa Hollowell, 7-299 Limeridge Road West
(f) Mark and Kim Robertson, 22-299 Limeridge Road West
(g) Darcy R. Cowan and Julia E. Robertson-Cowan, 26-299 Limeridge Road West

Joanne Hickey-Evans stated that the applicant proposes a further modification to the G-1 District to allow a Bingo Hall of 12,800 square feet. She stated that the Planning Department feels that this application warrants consideration. It is already designated commercial; it is on a major road; 155 parking spaces are available, whereas only 83 are required.

The Traffic Department has noted that a third entrance be removed and restored at the owner's expense and the Licensing Division of the Clerk's Department has stated that the Bingo Hall must follow the new Provincial criteria for Bingo Halls.

Rick Lintak, Architect for Rosart Properties was present. He stated that the property was originally a Fortino's store. The existing small businesses do not make the property viable and the existing vacant building cannot be sub-divided for smaller businesses. In order to make the property viable, a Bingo Hall is being proposed.

Julia Robertson-Cowan of 26-299 Limeridge Road West was present. She stated that she is opposed. She feels that family-oriented amenities should go in the plaza and that a Bingo Hall is not a family-oriented amenity. She explained that the majority of residents in the area are not owners. She stated however that at 299 Limeridge Road West, the owners have invested a great deal in the property. She felt that Limeridge Road is not a major road as it will be made into a cul-de-sac at Upper James Street. She asked the Committee to consider traffic and safety concerns.

Mark Robertson of 22-299 Limeridge Road West was also present. He stated that the area is a residential one and that traffic is a major concern. There are many schools there and safety of the children is a concern.

Susan Woodrow of 21-299 Limeridge Road West stated that thus far good planning has been made in the neighbourhood, that it is residential. She agrees with the expressway and the cul-de-sacs and she trusts that the Committee will make the proper decision in not approving a Bingo Hall.

Alderman D'Amico stated that Fortino's left a clause in the agreement that another supermarket cannot replace them. There are many schools and churches in the area and the pedestrian priority signal and crossing guard has been placed there due to an accident involving a child in the early '90's. He suggests that the building be used either as a restaurant or medical offices. Since he feels it is most likely that, if approved, the residents would take the applicant to the OMB, he suggested tabling for a period of 60 days in order to get a viable alternative use for this property. He also added that the PTA and Catholic Church are not pleased with the proposal of the Bingo Hall.

Ken Rosart stated that it is difficult to use this site for any other use since it is an interior site and they have exhausted other potential uses since the summer of 1996 when it was known that the property would become vacant.

Alderman Charters suggested that since it may be appealed it should be tabled.

Alderman Drury stated that in his ward the opposite situation has occurred where a Bingo Hall has vacated and it may now turn into a supermarket. He stated the fact that there is more traffic generated by a grocery store than by a Bingo Hall.

Alderman Eisenberger suggested that the Committee should first determine if the applicant can get a Bingo licence.

Mr. Rosart stated that alternative proposals may not emerge in 60 days.

Following brief discussion, the Committee resolved that the application be tabled for a period of 60 days in order that alternative uses for the property be determined.

** **Alderman McCulloch opposed.**

3. **DELEGATION**

(a) **Michael Dorion Re: Site Plan Control Application DA-94-32, Halam Park - Request for a Further Release of Funds.**

(b) **Report from the Director of Planning and Development: Request for Security Reduction for Site Plan Control Application DA-94-32, Halam Park, Co-operative Homes Inc.**

John Sakala was present. He stated that the applicants are asking for a substantial reduction in the hold-back which is not in keeping with Council policy. Due to an ambiguity in the contract the applicants have been released more than 50%. $253,000 has been retained and $500,000 has been returned. There should be a 50% hold-back and at present the City is only retaining a 25% hold-back. The applicant is requesting a hold-back of $70,000. If the Committee determines to reduce the amount of the hold-back, they should request at least $105,000 as a contingency.

Alderman Merling asked if the policy has been changed in the past, to which Victor Abraham replied that it has not and that one request was previously received and was refused by the Planning and Development Committee. Alderman Merling therefore felt that the Planning and Development Department Report should be approved.

Mike Dorian of Enerplan Building Consultants, on behalf of the owners, was present. He stated that the owners of the Co-operative have undertaken a huge rejuvenation project. The work was to be completed in 1996, but will now be completed in late May, 1997. His figures illustrated that there is $70,000 of work outstanding. The group does not want to default with respect to the contract. The project has greatly improved the area and he stated that the hold-back of $105,000 by the City may still the project to proceed on a timely basis.

Alderman Charters stated that the hold-backs were determined at the commencement of the project. He stated that it is not wise to set a precedent and does not want other applicants of site plans arguing for a decrease in the hold-back before the Planning and Development Committee table.

Alderman McCulloch felt that the Committee is dealing on a matter of principal. He could not understand the logic of holding back money which appears to be surplus.

John Sakala advised that there is a financial incentive for the contractor to finish the project when there is a hold-back by the City.

Alderman Eisenberger stated that the Committee should consider that the people involved in the project have done a good job and they should have some compassion. He stated that the Committee should consider a reduction to $105,000.

Alderman Merling stated that we must consider the whole project in its entirety. The alleyway must also be graded. The City should not be left to complete work at its own expense. He stated that it may be possible that the work may cost upwards to $150,000.

Alderman Charters gave an example of projects where the work was not completed according to the Site Plan Agreement, therefore a hold-back is required to ensure that the work gets done.

Alderman Caplan suggested tabling for one month.

In response to a question from Alderman Eisenberger, Mr. Dorian stated that the Ministry of Housing provides monies for this project.

As recommended in a report dated 1997 March 13, the Committee recommended to Council as follows:

> That the securities related to Site Plan Control Application DA-94-32 by Halam Park Housing Co-operative Inc., lessee of lands bounded by East 27th Street, Halam Avenue and East 25th Street, as shown on the attached map marked as Appendix "A", be retained at a minimum 50% of the construction costs in accordance with Council policy.

4. DIRECTOR OF PLANNING AND DEVELOPMENT, DIRECTOR OF PROPERTY AND CHIEF ADMINISTRATIVE OFFICER

Authorization for Staff Attendance at a Niagara Escarpment Hearing (Angela Drive). Retention of Development Control Regulation

As recommended in a report dated 1997 March 7, the Committee recommended to Council as follows:

(a) That City Council endorse the continuation of Niagara Escarpment Commission Development Permit Application No. W/R/96-97/87, respecting the unopened road allowance on Angela Drive, as shown on the attached map marked as Appendix "B", and that the appropriate staff (eg. Law, Property and Planning and Development Departments) be authorized to attend a Niagara Escarpment Hearing in support of this application; and,

(b) That the Niagara Escarpment Commission, on behalf of the City of Hamilton, forward a request to the Minister to delay the signing of the regulation to remove the development control regulation for the unopened road allowance on Angela Drive until this matter is resolved.

** **Alderman D'Amico opposed.**

5. CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF PROPERTY

Sale of Part 2, Plan 62R-3948, 161 Lanark Street, Hamilton to 685810 Ontario Limited (Alan Davis)

As recommended in a report dated 1997 March 11, the Committee recommended to Council as follows:

(a) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law 95-049:

"the lands composed of part of Lot 25, Concession 1, formerly in the Township of Saltfleet, now in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, said parcel of vacant land being more particularly described as Part 2 on Registered Plan 62R-3948, having a frontage on the south end of Lanark Street of 19.150 metres (62.830 feet) more or less, by a depth of 82.601 metres (271.00 feet) more or less and containing an area of 0.065 hectares (0.160 acres) more or less."; and,

(b) That an Offer to Purchase, duly executed by the purchaser 685810 Ontario Limited, on 1997 March 6 and scheduled to close on or before 1997 May 5, for the lands composed of part of Lot 25, Concession 1, formerly in the Township of Saltfleet, now in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, said parcel of vacant land being more particularly described as Part 2 on Registered Plan 62R-3948, having a frontage on the south end of Lanark Street of 19.150 metres (62.830 feet) more or less, by a depth of 82.601 metres (271.00 feet) more or less and containing an area of 0.065 hectares (0.160 acres) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of $12,800. be credited to Account Number CH 4X501 00102 (Reserve for Property Purchases (Sales)); and,

(c) That the required deposit cheque in the amount of $1,280. be held by the City Treasurer pending Council approval; and,

(d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,

(e) That in accordance with the Real Property Sales Procedural By-law No. 95-049:

(i) satisfactory Notice has been given to the public of the intended sale; and,

(ii) no appraisal of the fair market value of the real property being sold was obtained as the lands are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,

(iii) the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

6. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development Committee meeting held 1997 March 5 were adopted as amended to include the following text under **"Other Business"**:

Alderman Caplan requested to the Committee and moved that rezoning on industrial lands on Frid Street be initiated by the City. There was no seconder to this motion.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Revised Board of Management, Barton General B.I.A. dated 1997, February 28:

That Schedule "B" of By-law No. 97-012, appointing the Barton General B.I.A.'s Board of Management be repealed and the following names substituted:

SCHEDULE "B"

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
K. Jokic	Bank of Montreal
D. Tranor	Dell Pharmacy
N. LaSala	Nick's Auto Service

C. DIRECTOR OF PLANNING AND DEVELOPMENT

Authorization for Street Name Change - Dulgaren Street, Eleanor Neighbourhood, dated 1997 March 12:

(a) That the Planning and Development Department staff be authorized to hold a public meeting to consider a proposed street name change from Dulgaren Street to Dalia Avenue for that portion of Dulgaren Street located between Upper Sherman Avenue and the future extension of Eaglewood Drive, as shown on the attached map marked as Appendix "C"; and,

(b) That the City Clerk be directed to give notice of a Public Meeting regarding the proposed name change.

Prior to voting on the motion, a brief discussion ensued with regard to the Street name change.

D. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Fearman House, 90 Stinson Street - Heritage Permit for Proposed Conversion to a Residential Facility for the Good Shepherd Non-Profit Homes Inc., dated 1997 March 11:

That a Heritage Permit be approved for the following exterior alterations/additions to the building at 90 Stinson Street (designated under the Ontario Heritage Act), as shown on the drawings (north, east and west elevations) dated 1997 March 3 attached hereto and marked as Appendix "D":

NORTH FACADE (as shown on the attached north elevation)

- replacement of single-pane glazing of all original wood windows with thermopane glazing (preferred option) or replacement of existing wood windows with wood-framed thermopane units, to replicate appearance of original windows; and,
- replacement of single-pane glazing in the original double wood entrance doors with thermopane glazing; and,
- one-storey addition extending along east facade and set back from front facade; north facade of addition comprises a stuccoed base with a band of three aluminum windows modelled on the two-over-two wood sash window on the north facade of the one-storey stone addition on the west side of the building; and,
- concrete ramp with steel handrail to doorway on west side of tower.

EAST FACADE (as shown on the attached east elevation)

- one-storey addition extending across full facade of existing building and the rear addition; wall treatment identical to north facade, except for set of double doors; and,

- some wood windows to be reglazed or replaced (as described for north facade); others to be replaced with aluminum thermopane sash windows; and,
- three new gabled dormers with aluminum windows (two on roof of existing rear wing and one on roof of new rear extension); and,
- rear addition (extension of existing rear wing) with a large multi-paned aluminum window on the second storey; and,
- new double entrance doors on east wall of tower to replicate existing glazed wood doors on the south and west facades (originally three identical doorways).

WEST FACADE (as shown on the attached west elevation)

- most windows to be treated in a similar manner to those on east facade; one second and one third storey window to be blocked up by means of permanently closed wood shutters; one window opening on the first floor to be filled in with stone masonry to match existing wall; and,
- two new entrances to be built on either side of the masonry-filled window opening, one with a canopy for the new elevator; and,
- replacement of single-pane glazing in the original double wood entrance doors of the tower with thermopane glazing; and,
- rear addition with two new windows, one dormer, one doorway and stuccoed exterior; and,

- reconfiguration of roofline of section of rear wing to accommodate top of elevator shaft.

A discussion ensued with regard to the use of the property.

Victor Abraham advised the Committee that a meeting is to be held the evening of March 19 with the Neighbourhood Association and the applicants to discuss the use of the property.

E. SECRETARY, PLANNING AND DEVELOPMENT

Information Items

The Committee acknowledged the following items for information which were received under separate cover:

(a) Secretary, LACAC re: LACAC minutes of 1997 February 10, dated 1997 March 10.

(c) City Solicitor, Director of Planning and Development and Chief Administrative Officer re: Hamilton Harbour - Ontario Municipal Board Hearing Settlement, dated 1997 March 7.

7. OTHER BUSINESS

Building Commissioner - Added Items

(a) Commercial Property Improvement Loan Program - 274 Barton Street East

As recommended in a report dated 1997 March 5, the Committee recommended to Council as follows:

(i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Andrew Trencs, for improvements to 274 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) Commercial Property Improvement Loan Program - 355 Barton Street East

As recommended in a report dated 1997 March 5, the Committee recommended to Council as follows:

(i) That a secured loan in the amount of fifteen thousand, four hundred and twenty-four dollars ($15,424) to Peter and Gilberta Oliveira, for improvements to 355 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property

Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of seven thousand, seven hundred and twelve dollars ($7,712) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

8. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

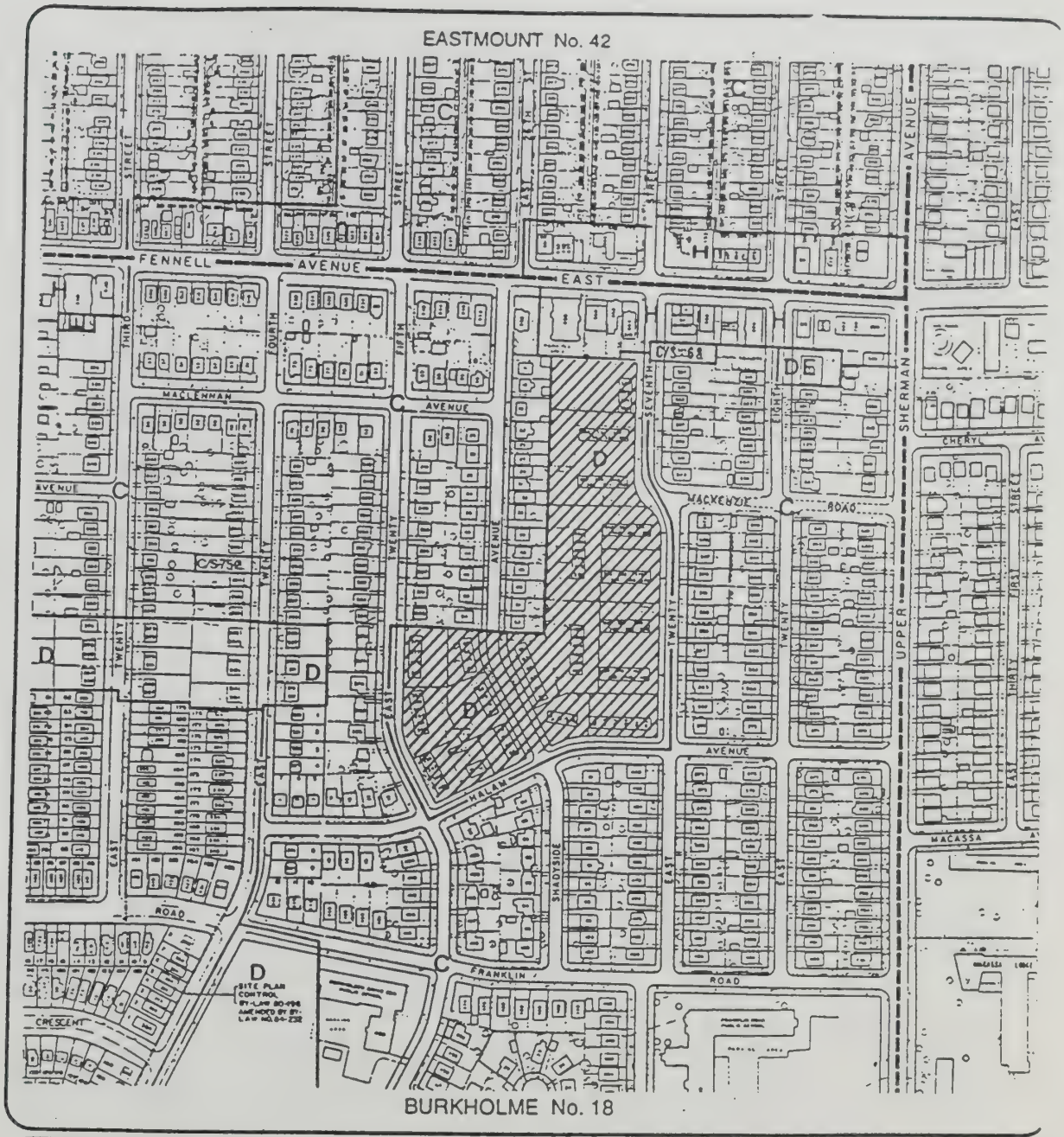
Taken as read and approved.

Alderman D. Drury, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in Section 3(b) of the Planning and Development Committee Minutes dated 1997 March 19



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-94-32

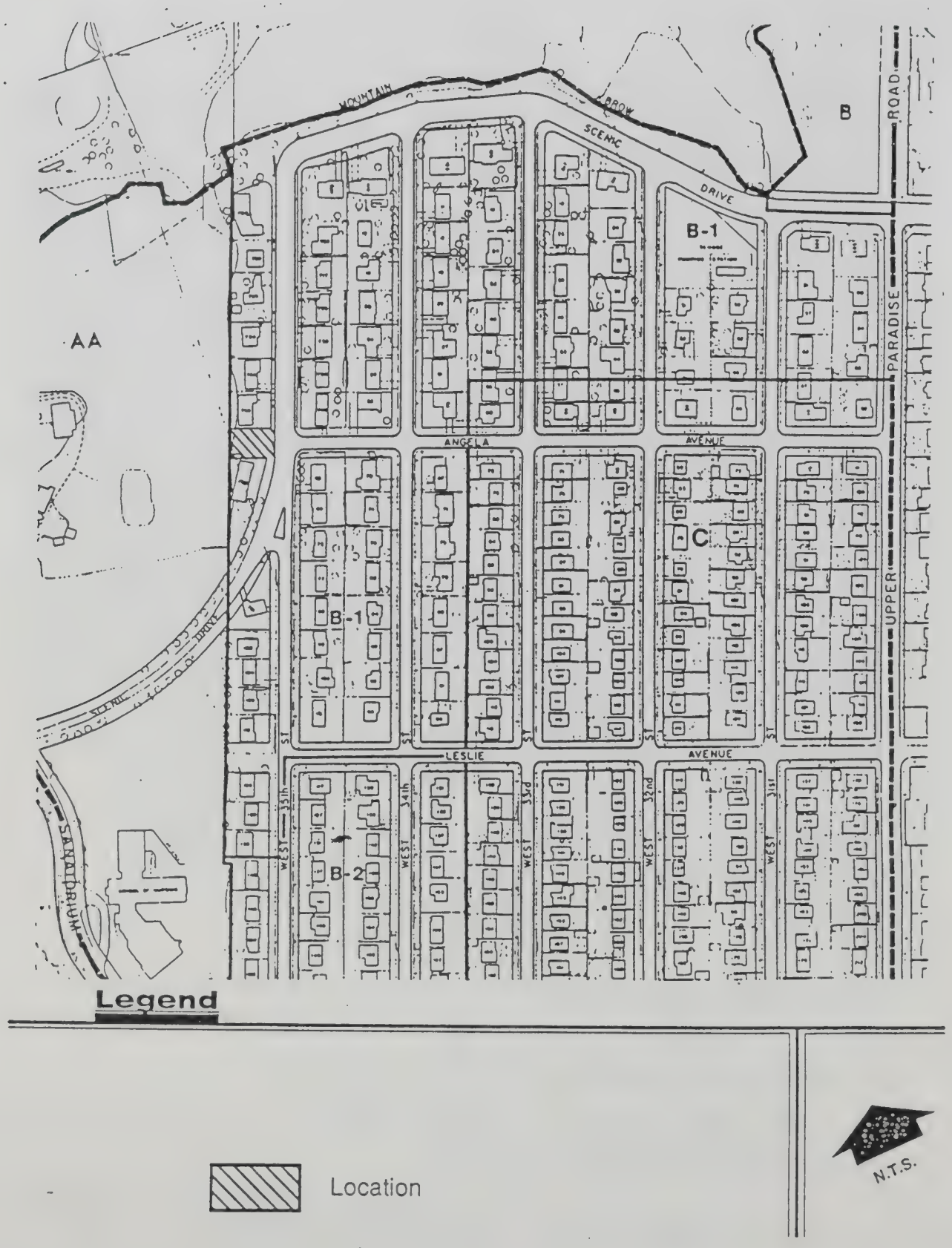
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

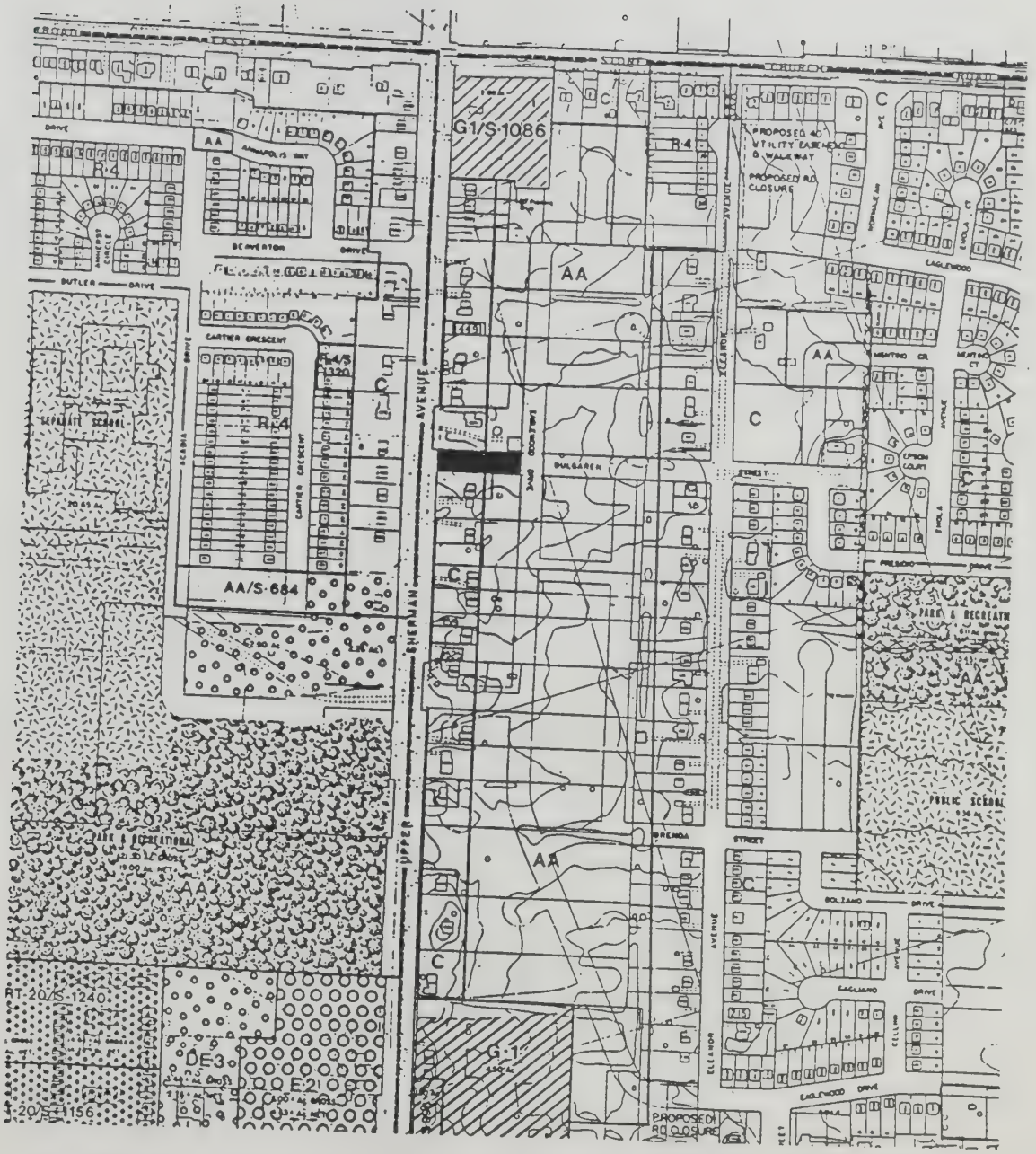
Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-94-32
	Date	Drawn By
	DECEMBER 1994	Z. K.

Appendix "B" as referred to in Section 4(a) of the Planning and Development Committee Minutes dated 1997 March 19



Appendix "C" as referred to in
Section 6C.(a) of the Planning and
Development Committee Minutes
dated 1997 March 19



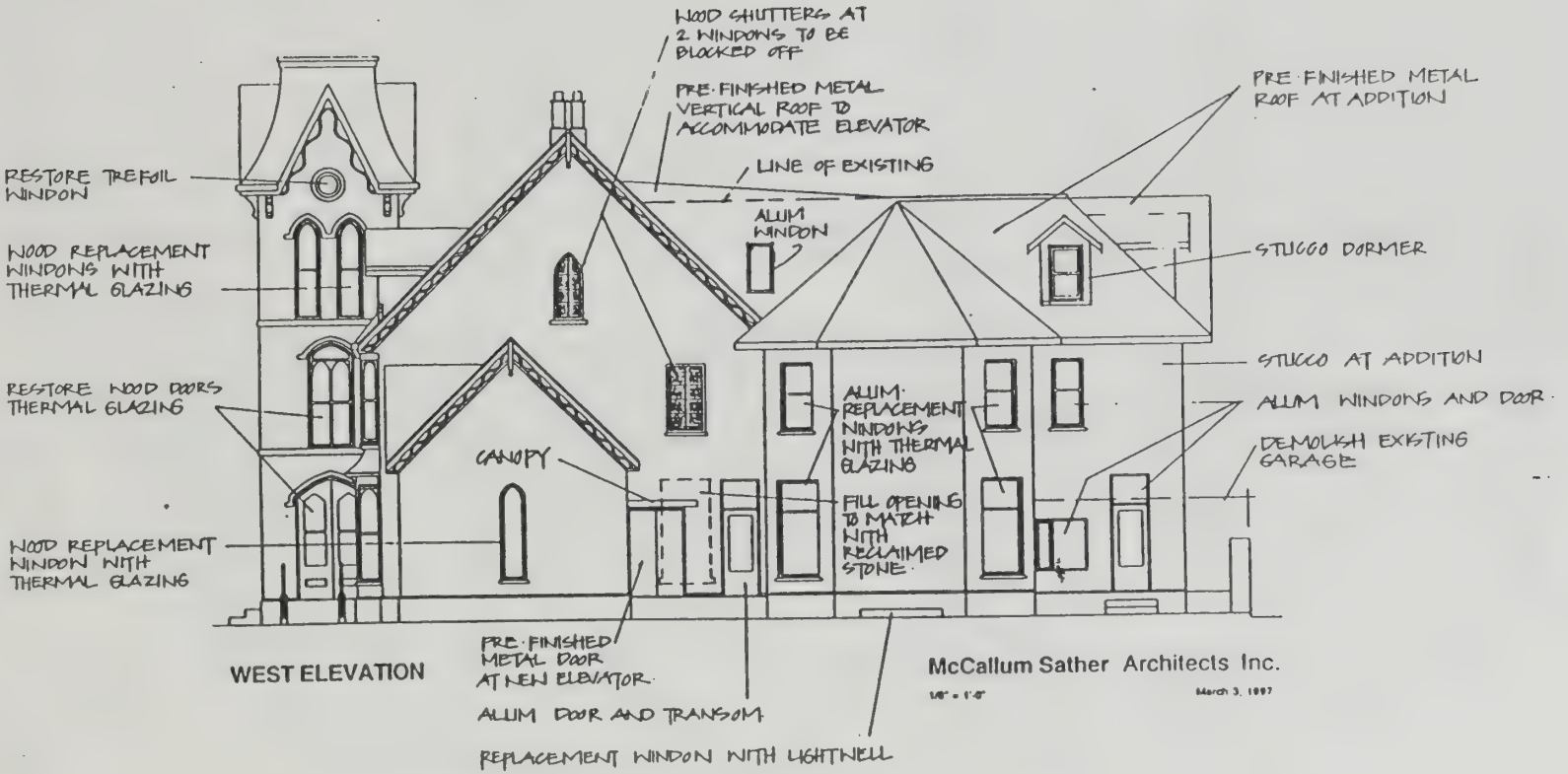
Legend

Portion of Dulgaren Street to be renamed

N.T.S.



Appendix "D" as referred to in Section 6 D. of the Planning and Development Committee Minutes dated 1997 March 19


WOOD SHUTTERS AT 2 WINDOWS TO BE BLOCKED OFF
PRE-FINISHED METAL VERTICAL ROOF TO ACCOMMODATE ELEVATOR
PRE-FINISHED METAL ROOF AT ADDITION
LINE OF EXISTING
RESTORE TREFOIL WINDOW
ALUM WINDOW
WOOD REPLACEMENT WINDOWS WITH THERMAL GLAZING
STUCCO DORMER
STUCCO AT ADDITION
RESTORE WOOD DOORS THERMAL GLAZING
ALUM. REPLACEMENT WINDOWS WITH THERMAL GLAZING
ALUM WINDOWS AND DOOR
DEMOLISH EXISTING GARAGE
CANOPY
FILL OPENING TO MATCH WITH RECLAIMED STONE
WOOD REPLACEMENT WINDOW WITH THERMAL GLAZING
PRE-FINISHED METAL DOOR AT NEW ELEVATOR
ALUM DOOR AND TRANSOM
REPLACEMENT WINDOW WITH LIGHTWELL
WEST ELEVATION
McCallum Sather Architects Inc.
1/8" = 1'-0"
March 3, 1997



EAST ELEVATION

McCallum Sather Architects Inc.

1/8" = 1'-0"

March 3, 1997

7(B)(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 19
E205-05, C.A. Unelli

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Commissioner of Public Works and Traffic

SUBJECT: **Final Lot Grading and Sodding Contract for Various Subdivisions During 1997**

RECOMMENDATION:

That the Manager of Accounting and Purchasing be authorized and directed to issue an Open Order to Brantford Landscaping & Sodding Ltd., on behalf of the Treasury and Building Departments, based on prices received for Quotation C19-2-97, to provide final lot grading and sodding as and when required during 1997 in various subdivisions, being the lowest of six quotations received in accordance with specifications issued by the Manager of Accounting and Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.

D. Lobo
Commissioner
Public Works and Traffic

for J. D. Thoms
Commissioner
Regional Environment Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

cont'd...

**Final Lot Grading and Sodding Contract
for Various Subdivisions During 1997**

cont'd...

BACKGROUND:

The City of Hamilton subdivision agreements require applicants to provide appropriate security to insure that all lot grading is completed in a satisfactory manner. In situations where deficiencies in the lot grading occur, the subdivider will be notified by the Regional Environment Department and/or the City Building Department and advised that remedial work will be required to correct the deficiencies.

Failure by the subdivider to perform the remedial work will be considered a default of the City Subdivision Agreement whereby the Regional Environment Department and/or the City Building Department will utilize an outside contractor to complete the outstanding works.

The costs of remedial work by an outside contractor are recoverable from the subdivider. Failure of the subdivider to pay for the costs of remedial work would result in the City recovering the costs from the subdivision security on hand.

As unit prices vary with each contractor, in order to determine the low bidder, the unit prices received for Quotation C19-2-97 were applied to a hypothetical grading scenario with the following results.

1.	Brantford Landscaping & Sodding Ltd.	$38,595.17
2.	Crescan Landscape Ltd.	$45,726.45
3.	Heritage Green	$46,611.34
4.	Oakridge Landscape Contracting Ltd.	$47,327.17
5.	O. Ciccarelli & Sons Contracting Ltd.	$49,693.26
6.	Cedar Springs Landscaping	$61,450.10

Based upon the above results, we are recommending that an Open Order be issued to Brantford Landscaping & Sodding Ltd., to provide final lot grading and sodding as and when required during 1997 in various subdivisions, being the lowest of six quotations received in accordance with specifications issued by the Purchasing Division of the Treasury Department and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.

CAU

cc: Mr. A. Ross, City Treasurer
cc: Mr. L. C. King, Building Commissioner

7(B)(ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 26

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Commercial Improvement Program-Ottawa Street B.I.A.-Increased Security through the Attachment of Luminaires on Privately Owned Buildings Adjacent to Alleyways.

RECOMMENDATION:

a) That under the Commercial Improvement Program, luminaires be purchased and affixed to building faces abutting alleyways within the Ottawa Street B.I.A., at a cost not to exceed $2400. exclusive of taxes and that required funds be taken from the Commercial Improvement Program CF 5698 428705004; and,

b) That the City Solicitor be authorized to prepare the necessary legal agreements to attach and maintain the lighting fixtures to private property; and,

c) That the Mayor and City Clerk be authorized to execute the agreements referenced in (b) above.

D. Lobo.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost to purchase and install the lights is estimated $2,400. The Commercial Improvement Program, Account Number CF 5698 428705004, will be used for this initiative.

BACKGROUND:

City Council at its meetings held 1988 April 26, 1992 March 31, 1997 Jan. 28, approved the placement of lighting fixtures on privately owned properties within the Downtown Hamilton, International Village, Westdale Village, Barton General B.I.A. and Concession Street BIA. Since that time Ottawa Street B.I.A. has identified the security of alleyways within its boundaries as a concern and, requested that lighting fixtures be affixed to private properties abutting the alleyways within its boundaries. Verbal permission from the property owners to install the alley lights has been obtained. Legal agreements will be forwarded to the property owners for their signatures.

The monies to implement this project is included within the Commercial Improvement Program, a Program that was created to address streetscape improvements within Hamilton's B.I.A.'s.

c.c. Patrice Noe Johnson
City Solicitor
Attn: Lorne Farr, Solicitor

JP:jp
p&d.ottlit

7(c)(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 19
DA-93-18
Stinson Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a one year extension for the approval of Site Plan Control Application DA-93-18 for development of a 51 unit apartment building at 52-62 Victoria Avenue South.

RECOMMENDATION:

That approval be given to the request by Alpha Development Service Inc., owner of the lands at 52-62 Victoria Avenue South, as shown on the attached map marked as Appendix "A", for an extension to the approval of Site Plan Control Application DA-93-18 to April 8, 1998, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

EXPLANATORY NOTE:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. The approval of DA-93-18 will cease on April 5, 1997. The owner has requested an extension of this time limit.

V. J. Abraham

J. D. Pavelka

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

Site Plan Control Application DA-93-18 received conditional approval on April 5, 1995. The Site Plan documentation contemplated under DA-93-18 has not been finalized or registered to date, subsequently no building permit has been issued. The applicant has indicated that there company has undergone changes in partnership and financing which has caused delays. However, the applicant has advised that current conditions in the marketplace, indicate that the development of the site is possible.

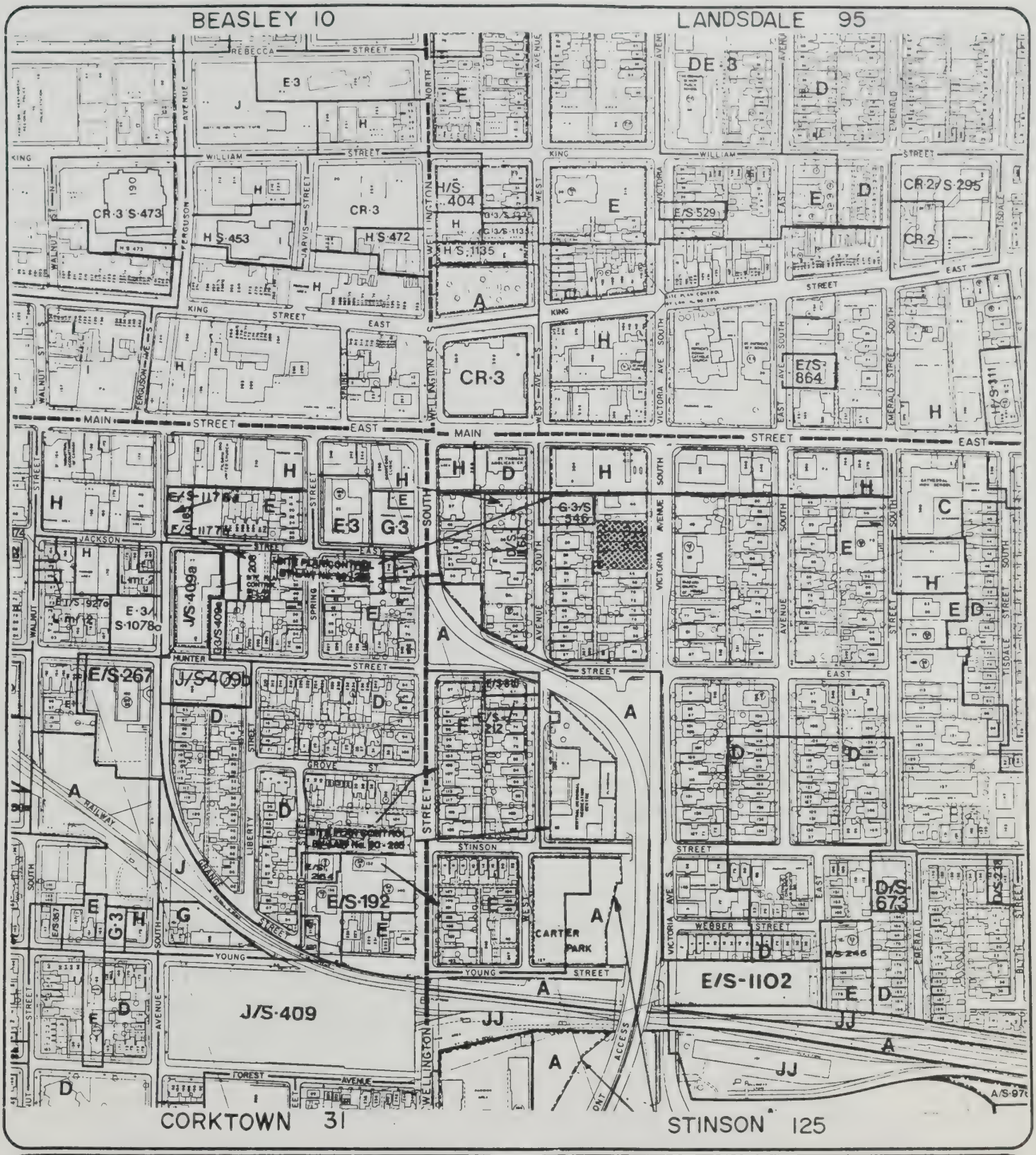
There are no changes proposed to the approved plans and drawings. Thus, an extension is requested to permit the applicant to finalize the conditions of site plan approval and register the Site Plan Control Agreement.

COMMENTS:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. Therefore, City Council approval is required to modify the time frame. Since no changes are proposed to the approved application, and there are no concerns from circulated departments, it is recommended that a one year extension be granted.

At the end of this one year period, if no Building Permit has been issued, it is recommended that a new application be submitted for the approval of development plans.

jNL



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control
Application DA-93-18

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-93-18
	Date	Drawn By
	JULY 6, 1993	P. W.

7(c)(iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 24
(PLC-96-01)
Allison Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
"Allison Estates - Phase 1, Stage 2" Subdivision
Registered Plan 62M-795

RECOMMENDATION:

(a) That the request by John Parente, Solicitor for 822827 Ontario Inc., owner, to remove part-lot control be approved to establish maintenance easements for Lots 1 - 19, inclusive, Registered Plan No. 62M-795, as shown on APPENDICIES "A" and "B";

(b) That the attached by-law, shown as APPENDIX "C", to remove part lot control from Lots 1 to 19 inclusive, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2" plan of subdivision, effective until May 1, 1998, be enacted by Council; and,

(c) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

V. Abraham

J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, John Parente, Solicitor for 822827 Ontario Inc., owner, is proposing to establish maintenance easements in accordance with the approved plan of subdivision "Allison Estates - Phase 1, Stage 2". The maintenance agreements will be on Lots 1 to 19 inclusive.

Location

The lands are located south of Rymal Road and west of Upper Wellington Street in the Allison Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment in accordance with their consent granting authority, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.1) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.2), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period from the date of Regional endorsement.

2. A request to remove part-lot control was previously approved by City Council in October, 1996 and a subsequent 3-month extension was granted in January, 1997. Based on recent experiences with the 3 month time frame, the Planning and Development Department staff have discussed with the Law Department the length of time that part lot control by-laws should be in effect. In this regard, a one year time period is more appropriate since the proponents register the maintenance easements when the properties are purchased and that the sale/transfer of the properties is an ongoing activity.

3. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

4. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC96_01.3rd

SEDONA COURT

APPENDIX "A"

M-195

25T-910148

Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

THIS 17th DAY OF SEPTEMBER, 1996

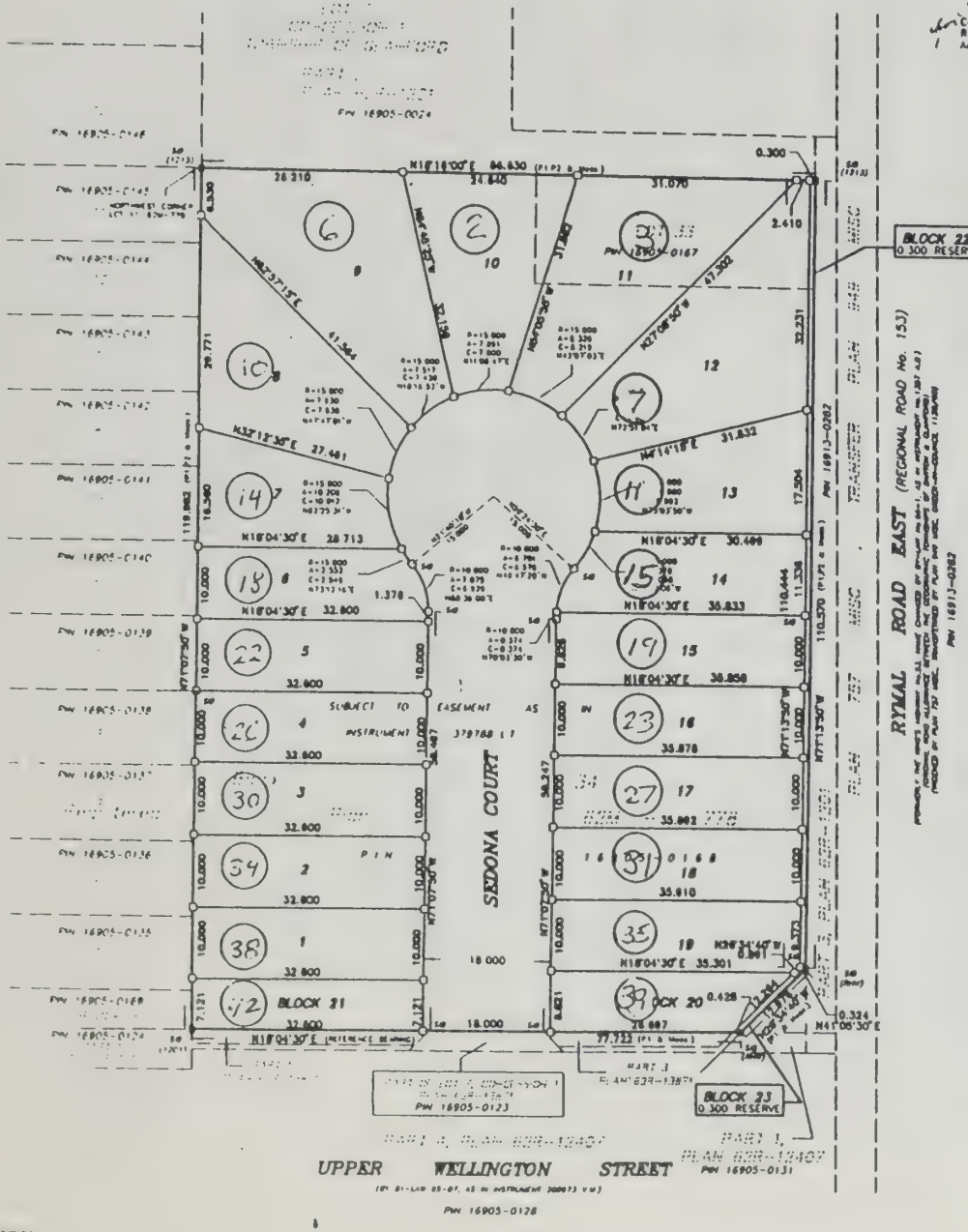
Commissioner of Planning and Development
Regional Municipality of Hamilton-Wentworth
Authorized by By-Law no R 89-171

PLAN 62M-795

I CERTIFY THAT THIS PLAN 62M-795
IS REGISTERED IN THE LAND REGISTRY OFFICE
FOR THE LAND TITLES DIVISION OF WENTWORTH (62)
AT 11:48 O'CLOCK ON THE 1ST DAY OF
October 19 96 AND ENTERED IN
THE REGISTER FOR PROPERTY IDENTIFIER No
16905-0167 16905-0168
AND REQUIRED CONSENTS AND AFFIDAVITS ARE
REGISTERED AS PLAN DOCUMENT NO. LT421335

E. Dunn
LAND REGISTRAR

THIS PLAN COMPRISES PIN 16905-0168
PIN 16905-0167
SUBJECT TO EASEMENT AS SET OUT IN INSTRUMENT 379788 LT



Allison Estates

Phase 1, Stage 2

BEING A SUBDIVISION OF

LOT 33 AND BLOCK 34
REGISTERED PLAN 62M-778

IN THE GEOGRAPHIC
TOWNSHIP OF GLANFORD
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500

0 5 10 15 30 40 metres

MACKAY, MACKAY & PETERS LIMITED
1996

Legend

●	DENOTES A SURVEY MONUMENT FOUND
○	DENOTES A SURVEY MONUMENT PLANTED
SIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
IB	DENOTES IRON BAR
ø	DENOTES ROUND
CC	DENOTES CUT CROSS
CP	DENOTES CONCRETE PIN
WIT	DENOTES WITNESS
(O U)	DENOTES ORIGIN UNKNOWN
P1	DENOTES REGISTERED PLAN 62M-778
P2	DENOTES PLAN 62R-12467
(RHW)	DENOTES REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
(1213)	DENOTES J.D. PETERS, O.L.S.

ALL BARS ARE IB'S UNLESS OTHERWISE NOTED

Surveyor's Certificate

I CERTIFY THAT

1 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER

2 THIS SURVEY WAS COMPLETED ON THE 16th DAY OF JULY 1996

SEPTEMBER 11, 1996
DATE

JAMES LAWS
ONTARIO LAND SURVEYOR

Owner's Certificate

THIS IS TO CERTIFY THAT

1 LOTS 1 TO 19, BOTH INCLUSIVE, THE STREETS NAMELY SEDONA COURT BLOCKS 20 & 21, AND 0.300 RESERVES NAMELY BLOCKS 22 & 23 HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS

2 THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY

DATED AT HAMILTON, ONTARIO

THIS 11th DAY OF SEPTEMBER 1996

200 RYMAL ROAD INC.

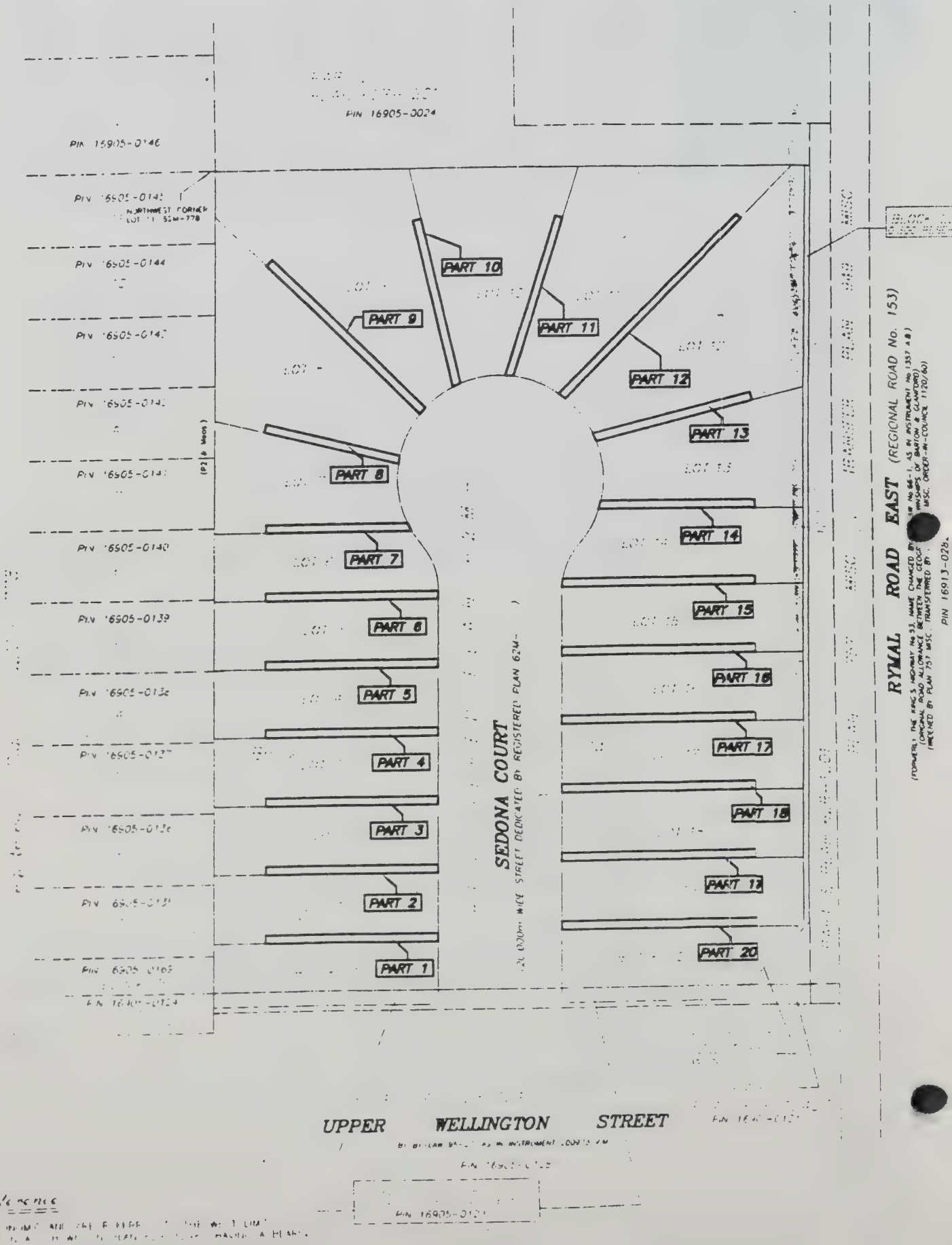
JOHN A. PIARENTE
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

MACKAY MACKAY
ONTARIO LAND SURVEYOR'S ESTABLISHED 1904
SUITE 700, UNION GAS BUILDING

Bearing Reference

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WEST LIMIT OF PLAN 62R-13871 HAVING A BEARING

APPENDIX "B"


PART 1
PART 2
PART 3
PART 4
PART 5
PART 6
PART 7
PART 8
PART 9
PART 10
PART 11
PART 12
PART 13
PART 14
PART 15
PART 16
PART 17
PART 18
PART 19
PART 20
SEDONA COURT
UPPER WELLINGTON STREET
RYMAL ROAD EAST (REGIONAL ROAD No. 153)

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97—

To Remove
Land within the "Allison Estates - Phase 1, Stage 2" Subdivision, Plan 62M-795
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, shall not apply to the following lands:

   Lots 1 to 19 inclusive within Registered Plan Number 62M-795, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on May 1, 1998.

PASSED this day of A.D. 1997.

City Clerk Mayor

7(c)(iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 20
S723-71 M.P. Sabelli, C.E.T.

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: **"WELLINGTON CHASE - PHASE 5",**
City of Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of $24,300.00 as a cash payment in lieu of the 5% land dedication in connection with "Wellington Chase - Phase 5", Hamilton, being the cash payment required under Section 51.1 of the Planning Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

1997 March 20

"WELLINGTON CHASE - PHASE 5",
City of Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

BACKGROUND:

The owner of "Wellington Chase - Phase 5" (822827 Ontario Inc.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

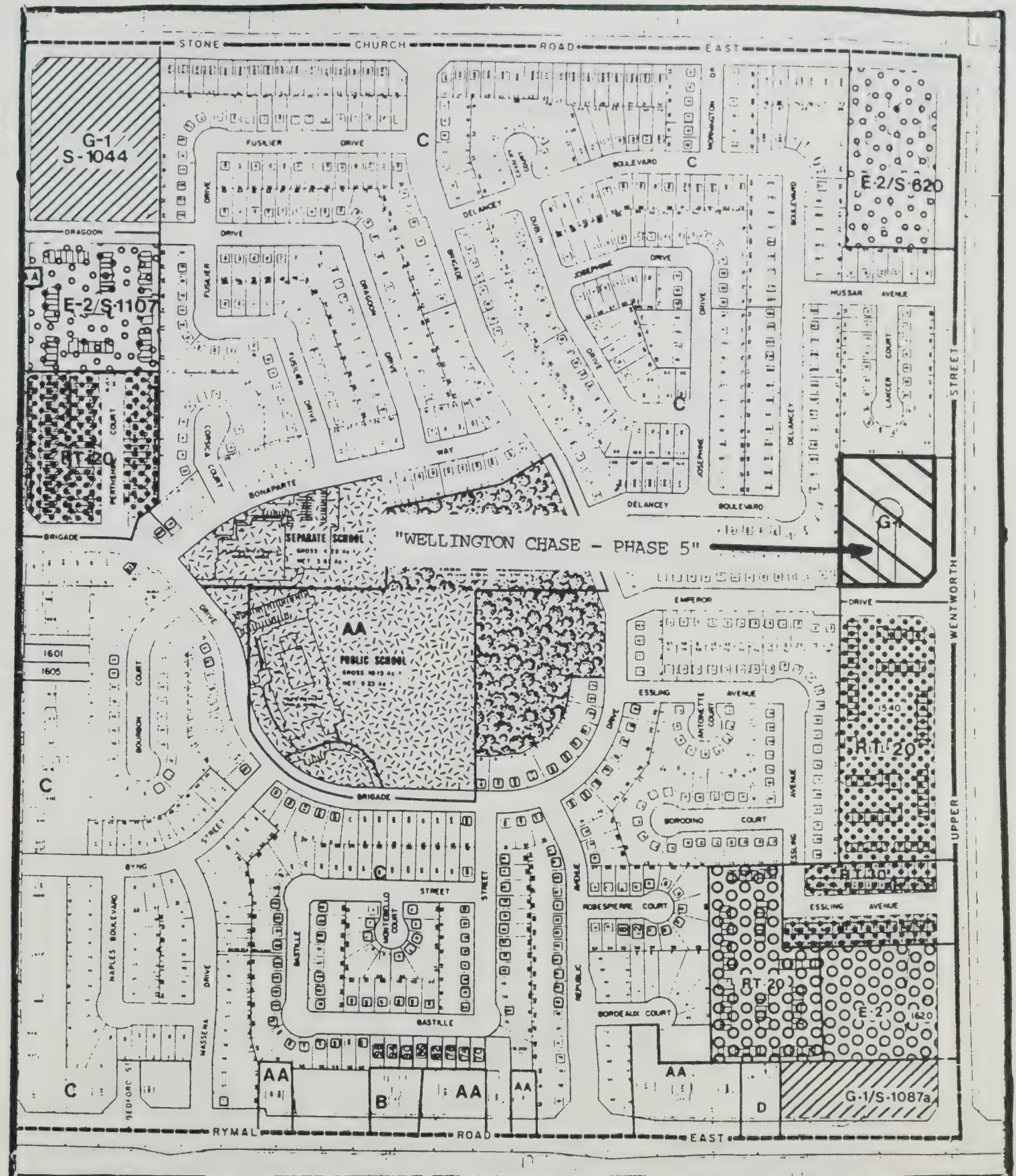
In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $24,300.00.

The City of Hamilton has acquired sufficient lands in the past for the Neighbourhood park in Barnstown Planning Neighbourhood. The developer is not required to provide any parkland within his plan of subdivision. Therefore, the City of Hamilton accepts a cash payment in lieu of lands for the acquisition of lands for park purposes and development of neighbourhood parks.

The lands of "Wellington Chase - Phase 5" are located on the west side of Upper Wentworth Street, south of Stone Church Road East in the Barnstown Planning Neighbourhood.

MPS

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department



BARNSTOWN

KEY PLAN

NTS

NORTH

APPROVED PLAN

7(D)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. G. Pavelka, P. Eng.
Chief Administrative Officer

D. W. Vyce
Director of Property

SUBJECT: Request from T. Valeri Construction Limited, Owner of 1198-1208 Stone Church Road East for a Quit Claim Deed from City - Release of Covenants in Instrument No. 411888CD

RECOMMENDATION:

(a) That the City of Hamilton confirm that it claims no interest in a parcel of land known as 1198-1208 Stone Church Road East, Hamilton (pursuant to construction covenants to the City as contained in Instrument No. 411888CD) by quit claiming this land to the current owner; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

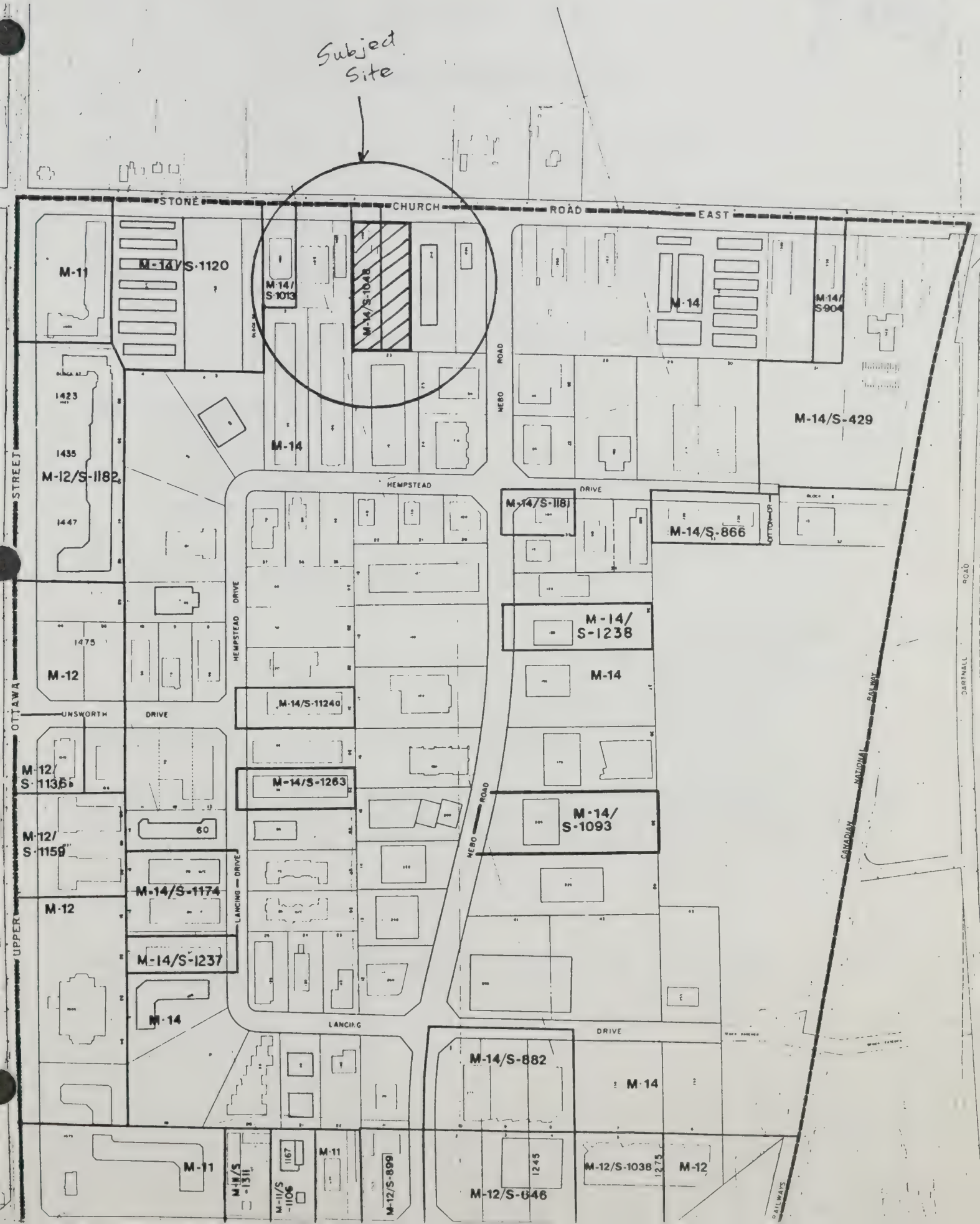
In adopting Item 12 of the 5th Report of the Planning and Development Committee, City Council on 1987 March 10 authorized the sale of Parts 26 and 28, Plan 62R-820, Stone Church Road East, Mountain Industrial Park to T. Valeri Construction Limited. This transaction was completed on 1987 May 27.

As required under the terms of the sale, their proposed building of 8,000 square feet was completed and the lawyers for the owner have requested that the City release the construction covenants as contained in Instrument No. 411888CD in order to clear the title.

In support of their request, the Building Department has confirmed that the covenants under the terms of the sale have been fulfilled by the construction of the required building. Our department and the Law Department are in agreement with their request.

DC/nw

c.c. P. Noé Johnson, City Solicitor
Attention: A. Zuidema
A. Ross, Treasurer
K. M. Lau, Manager of Surveys, Roads Division


Subject Site
STONE CHURCH ROAD EAST
M-11
M-14/S-1120
M-14/S-1013
M-14/S-1048
M-14
M-14/S-904
M-14/S-429
NEBO ROAD
1423
1435
M-12/S-1182
1447
HEMPSTEAD DRIVE
M-14/S-1181
M-14/S-866
OTTOMAN DR
M-14/S-1238
1475
M-12
M-14
M-14/S-1124a
UNSWORTH DRIVE
M-12/S-1135
M-14/S-1263
M-14/S-1093
60
M-12/S-1159
LANCING DRIVE
M-14/S-1174
M-12
M-14/S-1237
M-14
LANCING DRIVE
M-14/S-882
M-14
M-11
M-11/S-1311
1167
M-11/S-1106
M-11
M-12/S-899
M-12/S-646
1245
M-12/S-1038
1275
M-12
OTTAWA STREET
UPPER
CANADIAN NATIONAL RAILWAY
DARTNALL ROAD
RAILWAYS

7(E)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 25

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization (97.2.14, 97.2.4.2.1.A)
Murals

RECOMMENDATION:

1) That the budget payment schedule for the 1997 Barton Street murals, as outlined in Schedule A attached, be approved for the Visual Arts component of the Barton Street Revitalization Program; and,

2) That the City Treasurer be authorized and directed to forward $20,000 for the Visual Arts component (murals) to the Barton Street B.I.A..

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $400,000 has been provided by the Province for the revitalization program. The Province of Ontario will provide a total of $1,000,000 directly to the City of Hamilton over three (3) years. Full funding for the Visual Art project has been budgeted and provided from provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals and street enhancement.

.../2

As part of the revitalization program, the B.I.A. proposed that a mural (visual arts) project would be held on Barton Street. This proposal was approved by Council and a yearly budget of $20,000 was provided for street festivals.

The resolution approved by Council states as follows:

> The City will provide up to $20,000 yearly from available provincial funds to the Barton Street B.I.A. for mural projects within the B.I.A. Guidelines for the murals will be established by the City's Art Co-ordinator and final approval will rest with the B.I.A., the Art Advisory Sub-Committee, and the Task Force of the Barton Street Revitalization/Cultural Industry Strategy.
>
> Co-ordination will be solely the responsibility of the B.I.A.

The B.I.A. has submitted a budget of $20,000 (see attached Schedule A) for the visual Arts project.

LCK/DC
encl.

c.c. Allan C. Ross, Treasurer
Doug Lobo, Director of Public Works

SCHEDULE "A"

Payment Schedule for 1997 Barton Street Murals

Below is a schedule of payment to Fiona Kinsella, Robin Kavanagh, and Tor Lukasik-Foss for the design, production and installation of two to three murals, to be erected on Barton Street before September 1, 1997.

DESIGN
1997 April 15 — $3,000
(to be issued via 3 cheques of $1000, payable to each of the aforementioned artists)

RENDERING
1997 June 15 — $6,000
(to be issued via 3 cheques of $2000, payable to each of the aforementioned artists)

INSTALLATION
1997 August 15 or completion date of the project — $6,000
(to be issued via 3 cheques of $2,000, payable to each of the aforementioned artists)

MATERIALS
1997 March 1 - September 1 — $5,000
(this money will be assessed throughout the project, and will be given out in the form of purchase orders as requisitioned through the Barton General Business Improvement Area Association)

TOTAL — $20,000

7(F)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 March 26

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Kevin Christenson, Acting Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Correspondence dated 1997 March 13 from Mary M. Hance regarding the application of Vedems Construction Limited, No. 222 Gage Avenue South

(b) Correspondence dated 1997 March 5 from Mitch Wilson, Stewardship Co-ordinator, Hamilton-Wentworth Stewardship Council respecting information for prospective volunteer members

(c) Approved Site Plan Control Applications

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1997

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

Wednesday, 1997 April 23
9:30 o'clock a.m.
Room 233, City Hall

APR 21 1997

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Rental Housing Protection Act Application CD-96-005 - 155 Market Street, Central Neighbourhood.

   a) Submission: Petition from the residents of 155 Market Street attached as Appendix "A"

2. Zoning Application 96-05 and Plan of Subdivision SAC-96-01 by Paul Silvestri, owner, for changes in zoning for lands located at 177 Rymal Road East.

3. Zoning Application 97-07, by 822827 Ontario Inc. (A. DiSilvestro, President), owner, for changes in zoning for lands located west of Kenilworth Avenue and north of Limeridge Road East and south of Locheed Drive.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Zoning Application 97-01, by Vedemo Construction Limited, owner, for a change in zoning from "RT-20" District, modified to "DE-2" District for lands located west of Donn Avenue and south of Highridge Avenue.

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1997 April 23

5. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Site Plan Control Application DA-96-03 and Zoning Application ZAC-92-30 for a temporary Garden Centre at 1468 -1478 Upper James Street.

b) City Initiative to Remove "Waste Processing" from the "K" (Heavy Industrial, etc.) District.

6. ALDERMAN W. M. MCCULLOCH

Casino Zoning- Downtown

a) Submission: Ross D. Lewis, A.S.A.P. Holdings

7. ALDERMAN M. KISS

Peter Simmons Re: Resurrection of the Kirkendall Neighbourhood Modified Plan Review Committee

8. ALDERMAN T. JACKSON

a) Requirements for parking use in conjunction with a restaurant in "H" District

b) Information report from the Building Commissioner Re: Regulation of Mobile Signs, dated 1997 April 1

9. CONSENT AGENDA

10. OTHER BUSINESS

11. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee To report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997) *Report back in 3 mos (by May 11 1997) re: actual recovery costs for the implementation and enforcement of the bylaw as well as a review of permit fees for businesses and licencing for operators
4.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
5.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
6.	ZA-96-11, 73 Garfield Avenue South	1996 November 20	Ward Alderman, residents and applicant to meet	Tabled to 1997 January
7.	ZAC-96-05, SAC-96-01, 177 Rymal Rd. E. and 1684 Upper Wellington St.	1996 December 4	Applicant and Neighbouring property owner to resolve property concern	1997 January 22 further tabled to 1997 February 19
8.	Resurrection of the Kirkendall/Chedoke Modified Neighbourhood Plan review Committee	1996 December 4	Alderman Request to table	Tabled

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
9.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and Incineration as a use regarding Hamilton Harbour Commission Lands	Report Forthcoming
10.	Front yard Parking and 50% greenspace provision	1997 March 5	Staff report on the enforcement of the provision	Report forthcoming
11.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
12.	ZA-97-06, 216 Wilson Street	1997 April 2	Tabled upon request of the Applicant	Tabled
13.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2	Ward Aldermen to meet with applicant and residents	Tabled for 1 month
14.	"K" Zoned Lands	1997 April 2	Planning Dept. to report back on the impact of Removing "Waste Processing" from "K" zoning in the City on departmental Priorities and work Schedules	Report pending
15.	Student Housing and Garage conversion at 189 Cline Avenue South	1997 April 2	a) Building Commissioner to report back on the City of Guelph's By-Law pertaining to Lodging Homes; and, b) Building Commissioner and City Solicistor to report back on the issue of the Garage conversion at 189 Cline Ave. S.	Reports Pending

997 April 17

1.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 11
(CD-96-005)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-96-005 -
155 Market Street, Central Neighbourhood

RECOMMENDATIONS:

1. That Application CD-96-005, under the Rental Housing Protection Act, Vedemo Construction Limited, owner, for conversion of 111 rental apartment units to condominium units for the property located at 155 Market Street, be **DENIED** for the following reasons:

   i) The rental apartment vacancy rate in the Downtown Core Zone is below 2.0% and has been below the 2.0% level since April, 1995; and,

   ii) Approval of the application would have an adverse impact on the supply of lower cost rental apartment units in the Downtown Core Zone and the City of Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of processing this application is paid for by the applicant through the application fees.

BACKGROUND:

Owner

Vedemo Construction Ltd., owner.

Existing Building

The subject property contains 111 apartment units. The units are comprised of 12 bachelor units, 72 one-bedroom units and 27 two-bedroom units. As of February 6, 1997, four of the units in the building were vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 155 Market Street was submitted to the City on October 15, 1996. The location of the subject property is shown on the attached key map. The proposal is to convert 111 apartment units to condominium. The applicant has indicated the units will be sold for the following prices: bachelor units, $40,000: one-bedroom units, $47,900; and two-bedroom units, $57,900. Further, the applicant has indicated the price of the four penthouse suites will be determined on a dollar per square foot basis.

Proposed Conversion Details

The application submitted includes details of the renovations to be undertaken. These include updated kitchens, new carpets, interior decorating and tub surrounds. In addition, according to correspondence to the tenants dated September 24, 1996, the owner is offering an option that states "You can continue with your current status as tenant for Five (5) years if you do not wish to purchase a unit."

Rent Details

The monthly rental charges for the units, effective October, 1996, are as follows:

- Bachelor units range between $371 and $406 with an average rent of $389;
- One-bedroom units range between $398 and $468 with an average rent of $428; and,
- Two-bedroom units range between $400 and $724 with an average rent of $526.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium, conversion to other uses, demolitions and severances. The rental apartment units at 155 Market Street are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 111 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 111 rental units will not adversely affect the supply of affordable rental housing in the City. In June, 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion. The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: "Essential Criteria" and "Criteria for Which Conditions May be Instituted". The following is a list of the criteria in each group:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Zone should be at least two percent (for all units).
3. The vacancy rate for the specific bedroom type should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions May be Instituted:

1. The availability of potential alternative rental accommodation will be reviewed in terms of bedroom type and monthly rental charge.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Data from the semi-annual Canada Mortgage and Housing Corporation Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 1 - Downtown Core Zone" which is bounded by Queen Street to the west, Cannon Street to the north, Wentworth Street to the east and the Escarpment to the south.

Essential Criteria

Vacancy Rates - All Unit Types

The overall rental apartment vacancy rate for the City, in apartments with 6 units or more, was recorded at 2.4 percent in October, 1996 (latest available CMHC data). The vacancy rate for the Downtown Core Zone was 1.4 percent (all bedroom types). The vacancy rate in the Downtown Core Zone has been recorded at below 2.0 percent since April, 1995. A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

Vacancy Rates - Apartment Units

The following table on page 5 includes the vacancy rate, by bedroom type, for the City as a whole and the Downtown Core Zone as of October, 1996, which are the latest available statistics.

Bedroom Type	City of Hamilton Vacancy Rate	Downtown Core Vacancy Rate
Bachelor	4.1%	1.9%
One-Bedroom	2.5%	1.5%
Two-Bedroom	2.3%	1.0%

The vacancy rates for the City for all bedroom types are above two percent. However, the vacancy rates for all bedroom types in the Downtown Core Zone are below two percent.

Impact of Conversion on Vacancy Rate

Analysis of the change in the vacancy rate for the City, the Downtown Core Zone, for all units and by bedroom type, is used to determine if the conversion to condominium will negatively impact the vacancy rate within the City and the particular market zone. At the time of the CMHC survey in October, 1996, one unit in the subject building was vacant. The following table shows the changes to the vacancy rates by geographic area and bedroom type. In all scenarios, the vacancy rate increases are in increments of thousands of a percentage point.

Geographic Area	Bedroom Type	Impact on Vacancy Rate
City of Hamilton	All Units	Negligible Increase (0.007%)
City of Hamilton	Bachelor	Marginal Increase (0.025%)
City of Hamilton	One-Bedroom	Negligible Increase (0.006%)
City of Hamilton	Two-Bedroom	Negligible Increase (0.005%)
Zone 1 - Downtown Core	All Units	Negligible Increase (0.005%)
Zone 1 - Downtown Core	Bachelor	Marginal Increase (0.022%)
Zone 1 - Downtown Core	One Bedroom	Negligible Increase (0.002%)
Zone 1 - Downtown Core	Two Bedroom	Negligible Increase (0.008%)

The analysis of the impact on the vacancy rates reveals no discernable impact on the current rental apartment vacancy rates within the City as whole or the Downtown Core Zone.

Rental Pricing

Average Rent Levels, October, 1996

Bedroom Type	City Wide Average Rent	Downtown Core Average Rent	155 Market Street Average Rent
Bachelor	$392	$388	$389
One-Bedroom	$485	$484	$428
Two-Bedroom	$594	$618	$526

The average monthly rent charges for 155 Market Street are lower than the City of Hamilton average levels and generally lower than the Zone 1 - Downtown Core average rent levels. Based on the above table, it is apparent the market niche for 155 Market Street is at the lower cost end of the rental marketplace.

Impact on Overall Supply of Rental Housing

The removal of the 111 units in this building will reduce the rental stock in the City and the Downtown Core Zone. The following table shows the rental stock by bedroom type and the impact of removing these units from the overall rental supply.

Geographic Area	Bedroom Type	Rental Stock	% Reduction of Rental Stock
City of Hamilton	All Units	30,815	-0.36%
City of Hamilton	Bachelor	1,918	-0.63%
City of Hamilton	One-Bedroom	14,925	-0.48%
City of Hamilton	Two-Bedroom	12,794	-0.21%
Zone 1 - Downtown Core	All Units	3,277	-1.06%
Zone 1 - Downtown Core	Bachelor	1,022	-1.17%
Zone 1 - Downtown Core	One-Bedroom	5,850	-1.23%
Zone 1 - Downtown Core	Two-Bedroom	3,502	-0.77%

The percentage reductions are small for the City by bedroom type. Within the Downtown Core Zone, the largest impact is the reduction of the one-bedroom stock which represents a reduction of 1.23% of this type of housing in the zone.

Criteria for Which Conditions May be Instituted

Potential Alternative Accommodation

A review was undertaken of the total number of vacant apartment units within Zone 1 - Downtown Core by monthly rent range. This determines the extent or availability of similarly priced rental accommodation within the same general geographic area of the subject property. The table below shows the actual distribution of rental units within 155 Market Street by their monthly rental charge (information provided by the applicant) compared to the number of vacant rental apartment units in the Downtown Core Zone as reported by CMHC as of October, 1996.

Rent Range	155 Market Bachelor	Downtown Vacant Bachelor	155 Market One-Bed	Downtown Vacant One-Bed	155 Market Two-Bed	Downtown Vacant Two-Bed
LT $360		**				
$360-379	5					
$380-399	4	**	2			
$400-419	3	11	22	**	2	
$420-439		**	26	11		
$440-459			20	10		
$460-479			2	36		
$480-499				40	1	
$500-539				**	21	**
$540-579				12	1	**
$580+				**	2	30

** - Data suppressed by CMHC due to confidentiality and/or small numbers.

For bachelor units, there is an available supply of alternative units within the Downtown Core Zone within the similar rent range of 155 Market Street. For one-bedroom units, some units are available within the similar rent range but not to the same quantity of one-bedroom units within 155 Market Street. For two-bedroom units, there is very little supply of vacant and similarly priced units within the Downtown Core Zone.

Affordability of Units

In the past, a review of the rents for proposals for condominium conversion has been carried out to determine the affordability of the units. The review involved comparing the average rents to the affordable rents defined under the Income and Affordable Housing Price Data Information Bulletin (1995) that formed part of the Comprehensive Set of Policy Statements. With the passage of Bill 20, the Province has changed the policies relative to affordable housing and no longer releases information on affordable house prices. However, a review of the rents indicates that these units would be affordable to persons earning a minimum of $15,560 (Bachelor); $17,120 (One-Bedroom); and $21,040 (Two-Bedroom).

Monthly Carrying Costs

A review of the monthly carrying costs for a tenant purchasing a unit is based on the following assumptions:

1. A downpayment of 10 percent;
2. Prevailing mortgage interest rates (1-Year - 5.50%, 3-Year - 6.95% and 5-Year 7.65%);
3. An amortization of 25 years;
4. Property taxes at approximately $125 per month; and,
5. A purchase price of $40,000 for bachelor units; $47,900 for one-bedroom units; and $57,900 for two-bedroom units (as indicated by the applicant).

Bedroom Type	**Mortgage Term**	**Principal, Interest & Taxes (PIT)**	**Variation from Actual Average Rent**	
Bachelor	One Year	$345	-$44	($389)
Bachelor	Three Year	$376	-$13	($389)
Bachelor	Five Year	$392	+$3	($389)
One-Bedroom	One Year	$388	-$40	($428)
One-Bedroom	Three Year	$426	-$2	($428)
One-Bedroom	Five Year	$444	+$16	($428)
Two-Bedroom	One Year	$443	-$83	($526)
Two-Bedroom	Three Year	$488	-$38	($526)
Two-Bedroom	Five Year	$511	-$25	($526)

Based on the above table, the units are generally more "affordable" as owner-occupied compared to the actual average rent. It should be noted, however, that monthly condominium fees have not been included in the above estimates.

Summary

The rental apartment vacancy rate at the City of Hamilton level has been above 2.0 percent since April, 1992. However, the overall City vacancy rate masks very different vacancy rate trends for smaller geographic areas within the City. The subject property, 155 Market Street, is situated within CMHC's Downtown Core Zone (Zone 1). As of October, 1996, the vacancy rate in this zone was recorded at 1.4 percent, a decline from the 1.8 percent level recorded in October, 1995. Since April, 1995, the vacancy rate has been below 2.0 percent in the Downtown Core Zone which suggests the rental marketplace is not in a healthy, competitive situation.

The level of rents charged in 155 Market Street are below the average rents charged for both the City of Hamilton as a whole and the Downtown Core Zone. As such, it is evident that the rental units are being targeted toward the lower cost end of the rental marketplace.

Based on these two housing market indicators, the proposal does not satisfy the evaluation criteria established by staff to assess the merits of proposed condominium conversions. Therefore, the proposal to convert the 111 rental units at 155 Market Street to condominium would adversely affect the supply of affordable rental housing within the municipality.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion. In particular, the fact that for one-bedroom and two-bedroom units, the supply of vacant alternative rental units within the similar rental range being charged in 155 Market Street is limited in the Downtown Core Zone.

As noted previously, according to correspondence to the tenants dated September 24, 1996, the owner is offering an option that states "You can continue with your current status as tenant for Five (5) years if you do not wish to purchase a unit."

TENANT INFORMATION MEETING:

On February 27, 1997, a tenant information meeting was held with the tenants, the applicant, the Ward Alderman, and staff of the Planning and Development Department. There were six tenants present from the building. Concerns raised at the meeting centred on how tenants would be treated if the building was converted and if they chose not to purchase their unit. Staff advised that, if the application was likely to be approved, the City's standard conditions related to conversions (guaranteed tenancy for a specified period of time at the current rent plus guideline increases) would be generally applied.

TENANT PETITION:

On December 2, 1996, a petition was submitted to the Planning and Development Department by one of the tenants of 155 Market Street and is attached as Appendix "A". The results of the petition revealed that 80 out of the 85 tenants who were contacted "have signed this petition on the attached pages to strongly express that we do not want 155 Market St., Spring Garden Apartments, to be converted into condominiums and do not want the application of conversion to be passed. All names on the attached pages are residents at 155 Market St., Spring Garden Apartments."

TENANT SURVEY RESULTS:

In tandem with the notification procedures for a public meeting concerning Rental Housing Protection Act applications, a brief survey questionnaire is forwarded by the City to all tenants seeking their opinions on the proposed conversion to condominium. As of April 15, 1997, a total of 11 surveys were returned with the following results:

1. Are you...	in favour of the proposal? -	1
	opposed to the proposal? -	8
	undecided? -	2
2. Do you...	intend to purchase a unit? -	0
	prefer to remain as a tenant? -	10
	undecided? -	1

COMMENTS:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 111 rental units will not adversely affect the supply of affordable rental housing in the City. Based on a review of several rental housing market indicators, the removal of these 111 rental units will adversely affect the supply of affordable rental housing in the City.

In particular, the rental apartment vacancy rate in the Downtown Core Zone in which 155 Market Street is located has been below 2.0 percent since April, 1995. An apartment vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace.

As well, the level of rents being currently charged for units within 155 Market Street are generally below the average rent levels recorded by CMHC for the Downtown Core Zone and the City of Hamilton as a whole.

For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

- Building Department: the recognized use is a one hundred eleven (111) unit multiple dwelling with eighty eight (88) parking spaces provided on two levels of underground parking;
- Treasury Department: the property taxes for the site are currently paid; and,
- Law Department: no comments.

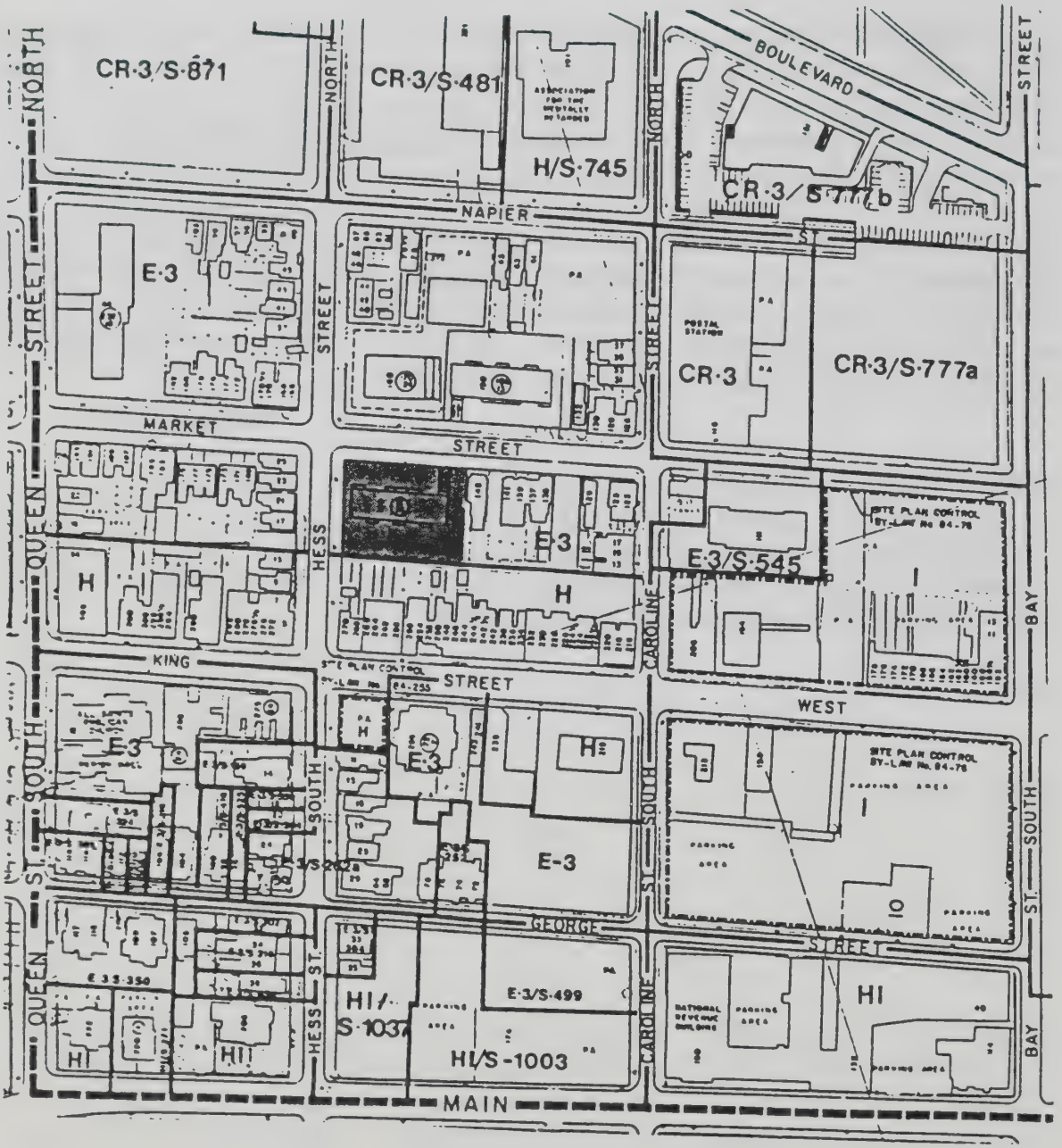
Further for the information of the Committee, as a result of rental properties being converted to condominium status, the property taxes paid will decline. The Provincial Assessment Branch has estimated that when a converted unit is sold and becomes owner-occupied, the property taxes paid will fall by approximately 50 percent. However, if the converted unit remains tenant-occupied, there is no change in the property taxes paid.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported. The proposed conversion to condominium of the 111 units will cause an adverse impact on the supply of affordable rental housing in Hamilton and the Downtown Core Zone.

KE/ke

N:\KE\CD96005



City of Hamilton

Location Plan For

155 Market Street

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	RHPA CD-96-005
	Date	Drawn By
	April 1997	P.A.

December 2, 1996

DEC 0 5 1996 1a)

Mr. Keith Extance
City Hall
Planning Department

APPENDIX "A"

Dear Mr. Extance

Please find enclosed a petition from the tenants of 155 Market St., Spring Garden Apartments. Please note that there are a total of 112 apartments in said building.

85 apartments were reached.
80 apartments signed the attached petition.
5 apartments did not sign the petition.
27 apartments were not reached due to vancant apartments and/or tenant not home at the time.

The apartments that were reached and signed are as follows:

201	306	502	701	807	1004	1108	1408
203	307	504	703	808	1005	1204	1409
204	401	505	704	809	1006	1205	PH4
206	402	506	705	901	1007	1206	
207	403	507	707	902	1008	1207	
208	404	508	708	904	1009	1208	
209	405	509	709	905	1101	1401	
301	406	601	801	906	1102	1402	
302	407	602	802	908	1104	1405	
304	409	605	803	909	1105	1406	
305	501	608	804	1003	1106	1407	

A REMARKABLE 80 APARTMENTS!!!

The apartments that were reached and did not sign are as follows:

607 1002 1103 1403 PH1 **(ONLY 5 APARTMENTS!!!)**

The apartments that are vacant and/or not reached are as follows:

202	408	609	903	1201	PH5
205	503	702	907	1202	PH7
303	603	706	1001	1203	
308	604	805	1107	1209	
309	606	806	1109	1404	

(27 APARTMENTS NOT REACHED)

It is easily concluded and understood that the signed names represent more than the majority. The signed tenants of attached petition represent more than the majority of said building and request that the said building **NOT** be converted into condominiums!!!

CC: Alderman Vince Agro, Alderman William McCulloch

WE HAVE SIGNED THIS PETITION ON THE ATTACHED PAGES TO STRONGLY EXPRESS THAT WE DO NOT WANT 155 MARKET ST., SPRING GARDEN APARTMENTS, TO BE CONVERTED INTO CONDOMINIUMS AND DO NOT WANT THE APPLICATION OF CONVERSION TO BE PASSED. ALL NAMES ON THE ATTACHED PAGES ARE RESIDENTS AT 155 MARKET ST., SPRING GARDEN APARTMENTS.

NAME	APT. #
Zhu Ji	801
Dagda Young	PH4
[illegible]	605 -
Dmitri Halinski	207
Cathy & Tony Galego	304
Susie Alexander	1106
Jin Zhang	701
[illegible]	505
GEORGE TSATSU	1006
Yaemin Li	209
[illegible]	307
[illegible] Eccles	201
Shen Fei	1009
Cun ye Qiao	1004
c/o Dolores Pugatharnpton	901
Maxine Cosby	509
Minna Zhao	1208
Elizabeth Gebregi	301
DAVID SEO	109
(Nancy Riley	608
(Wayne Riley same a/pt. ↑	608)
John Gursch	405
[illegible]	802
[illegible] Kotas	203
ZHENG Guo-dong	409
[illegible] Turnbull	1104
Eunice Ogden	H02
[illegible]	1102

NAME	APT. #
Brenda Gibson	502
Michelle Lucas	504
Joseph Lapierre	#708
B. Wood	1205
~~Mark~~ Manuel Urrutia	208
Sally Mitchell	704
John Gillis	1402
J. O'Neill	407
Don Gilliam	1005
Louise Hein	206
Helen Sayyo	406
Nilo Ruf	906
Lesley Ewen	707
Michael Burnside	1007
Laura Lalli	506
Joe Vicki	305
Gabriela Maza	703
Xiaobing Cai	1008
Zhiyong Peng	601
Wen-xue Tian	401
[illegible]	1108
Burt Matthews	#401
Janice VanKampen	1409.
[illegible]	705.
[illegible]	403.
[illegible]	1406
[illegible]	1407

NAME	APT #
[illegible]	1207
[illegible]	1405
Leung Wing Yan.	803
Mark Dejanjan	804
[illegible]	306
Nina Ahrendrand	905
Nina Rojec	1204
Da [illegible]	302.
Mary Jane Shoemaker	909
[illegible]	501
[illegible]	508
[illegible]	904
[illegible]	1003
Cathy Hellings	1408
Therese V Anderson	908
Patricia Purcell	809
[illegible]	807
[illegible]	1101
Barbara Shoemaker	902
[illegible]	1105.
[illegible]	204
[illegible]	[illegible]
[illegible]	~~1206~~ (1206)
[illegible]	602
[illegible]	509
[illegible]	404

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 15
ZAC-96-05 & SAC-96-01
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision ("Olmsted Park") and Request for a change in zoning - 177 Rymal Road East and 1684 Upper Wellington Street

SECOND REPORT

RECOMMENDATION:

(a) That approval be given to Amended Subdivision Application 96-01 (Regional File No. 25T-96001), **Paul Silvestri, owner,** to establish a draft plan of subdivision "Olmsted Park", for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, comprising of 19 lots for single detached dwellings, a future road, 5 blocks to be developed with the adjacent lands to the north and east for single detached dwellings, 3 blocks for road widenings and 5 blocks for 0.30 m reserves, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated April 14, 1997, showing 19 lots for single detached dwellings, a future road, 5 blocks to be developed with the adjacent lands to the north and east for single detached dwellings, 3 blocks for road widenings and 5 blocks for 0.30 m reserves (see attached APPENDIX "B");

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(v) That the final plan conform with the Zoning By-law approved under the Planning Act;

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(vii) That a 2m by 2m daylight triangle for road widening purposes from Lot 10 at the L-shape bend in the road be included on the Final Plan of Subdivision.

(viii) That the north - south section of Street A must align centreline to centreline with the future street proposed in approved Dicenzo Gardens draft plan of subdivision.

(ix) That access to single family residential development be from the mid-block collector and other major collector streets, as provided for in the approved Ryckmans Neighbourhood Plan.

(x) That Lots 16, 17, 18, 19, and Block 21 not be developed until the street cul-de-sac is established and constructed to its full width with a minimum right-of-way radii of 15m and minimum 9m radius transitions into and out of the cul-de-sac bulb.

(xi) That Blocks 21, 22, 23 and 32 be developed in conjunction with the adjacent lands (Block 409 on "DiCenzo Gardens" draft Plan of Subdivision (25T-86008)).

(xii) That Block 20 be developed in conjunction with the adjacent lands.

(xi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

(xvii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-96001(R)), Paul Silvestri, owner, proposed draft plan of subdivision, and

that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(d) That approval be given to Amended Zoning Application ZAC-96-05, **Paul Silvestri, owner,** for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District (Blocks "1" and "2") and "C" (Urban Protected Residential, etc.) District (Block "3"), for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District;

(ii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iii) That the amending By-law applicable to Block "2" apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal services for the subject lands as the City deems necessary to service the proposed development.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(e) That upon finalization of the zoning by-law and draft plan approval of the amended subdivision plan, that the approved Ryckmans Neighbourhood Plan be amended to revise the local road pattern and to redesignate the subject lands from "Attached Housing" to "Single and Double Residential".

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, as shown on the attached map, on the following basis:

Block "1"	-	From "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District;
Block "2"	-	From "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single Family - Holding) District;
Block "3"	-	From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit the development of the subject lands for 19 lots for single detached dwellings, a future road, 5 blocks to be developed with the adjacent lands to the north and east for single detached dwellings, 3 blocks for road widenings and 5 blocks for 0.30 m reserves, in accordance with the proposed draft plan of subdivision "Olmsted Park".

In addition, the By-law will apply the Holding provision to Block "2" which will prohibit development of the subject lands until such time as municipal services (water, sanitary sewers) are available to service the subject lands.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Planning and Development Committee Meeting - December 4, 1996

Planning and Development Committee, at its meeting of December 4, 1996, tabled consideration of the subdivision and rezoning application. The application was tabled to allow for the applicant and the abutting property owner to meet. The adjacent land owner to the north had submitted written comments expressing "concern" with the proposed development. The applicant agreed to the tabling of the application until an agreement could be reached with the abutting land owner.

Applicant:

Paul Silvestri, owner.

Agent:

Terri Johns, May, Pirie, Dakin and Associates.

Surveyor:

B.J. Clarke, O.L.S., A.J. Clarke and Associates Ltd.

Location:

The lands are located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street., in the Ryckmans Neighbourhood (see APPENDIX "A").

Lot size and area:

The subject property is irregular in shape and has:

- a width of 146.3 m along Rymal Road East and 70.6 m along Upper Wellington St.;
- a maximum depth of 60.9 m; and
- ±1.3 ha (±3.2 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Two single detached dwelling and vacant lands	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant Lands	"R-4" (Small Lot Single Family) District
to the south	Single Detached Dwellings and vacant lands	"R-4" (Small Lot Single Family) District and "B" (Suburban Agricultural and Residential, etc.) District

to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Vacant lands	"R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District

Subdivision Proposal:

The amended subdivision application is to permit the subdivision of the subject lands into 19 lots for single detached dwellings, a future road, 5 blocks to be developed with the adjacent lands to the north and east for single detached dwellings, 3 blocks for road widenings and 5 blocks for 0.30 m reserves (see attached APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

Official Plan:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Single and Double Residential" and "Attached Housing" in the approved Ryckmans Neighbourhood Plan. Approval of the application would necessitate a neighbourhood plan amendment to revise the local road pattern to provide for a direct road connection to Rymal Road East. In addition, a portion of Block "1" will require redesignation from "Attached Housing" to "Single and Double Residential" as per the proposed draft plan of subdivision.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority (HRCA) had no objection to the proposed changes in zoning. The HRCA requested that the standard storm water management conditions be imposed and will be made conditions of draft plan approval by the Regional Environment Department.

- The Traffic Division, Department of Public Works and Traffic advised that:

"The application for a change in zoning to permit the proposed residential development is satisfactory.

With reference to the proposed plan of subdivision, the following comments apply:

We recommend that any approval of the plan of subdivision be conditional upon the access to lots 1 to 9 and 11 being restricted to Street "A" and that no vehicular access to individual lots be permitted from Rymal Road. This condition should be registered on title of each property.

We recommend that the plan be modified to provide temporary turn around facilities at the east end of Street "A" until such time as the future court or the future connection to the north is provided."

The Traffic Division further advised

"We recommend that all access to this future development be provided from the internal neighbourhood street and no access be permitted from Upper Wellington Street or Rymal Road. In addition, it is our preference that the existing single family property at 1684 Upper Wellington Street be incorporated into the future development and the cul-de-sac be extended northerly to accommodate the inclusion of that property.

Development of the subject lands will be contingent on the acquisition of the block of land on the northwest corner of Rymal Road and Upper Wellington Street and the establishment and full width construction of the local internal neighbourhood street to the north."

- The Regional Environment Department, has advised of the following for information purposes:

"We have the following comments and recommendations with regard to the above noted proposed revised draft plan of subdivision, as submitted with your letter dated March 12, 1997.

FOR INFORMATION

1) Direct access to Lots 1 to 9 (inclusive) and Lot 11 will not be permitted to Rymal Road East. This requirement is in accordance with the approved Ryckmans Neighbourhood Plan.

2) The existing access to lands at No.177 Rymal Road East should be removed through this development approval.

3. The existing single family dwelling shown as 177 Rymal Road East must provide the following minimum yards:

Front Yard	=	6.0m
Side Yard	=	1.2m
Rear Yard	=	7.5m

The minimum rear yard does not appear to be provided for.

4. All lots must abut an established public highway of at least 12.0m in width."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of both the Official Plan and the approved Ryckmans Neighbourhood Plan; and,

   ii) it would be compatible with existing and future planned residential uses.

3. The lands to be rezoned from "AA" District to "C" District (shown as Block 3 on APPENDIX "A") are not included in the draft plan of subdivision. There is an existing single family dwelling on the subject lands. An application for consent was approved by the Committee of Adjustment subject to, among other conditions, finalization of a zoning by-law amendment.

4. Lots 1 - 5 inclusive and Lots 15 - 19 inclusive, cannot be developed until such time as servicing and the necessary road connection is available from the adjacent draft approved plan of subdivision "DiCenzo Gardens". In this regard, the Regional Environment Department, Development Division has advised that the subject lands should be placed in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as the services can be extended though the abutting lands to service the proposed development. City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in the By-law once the condition is fulfilled.

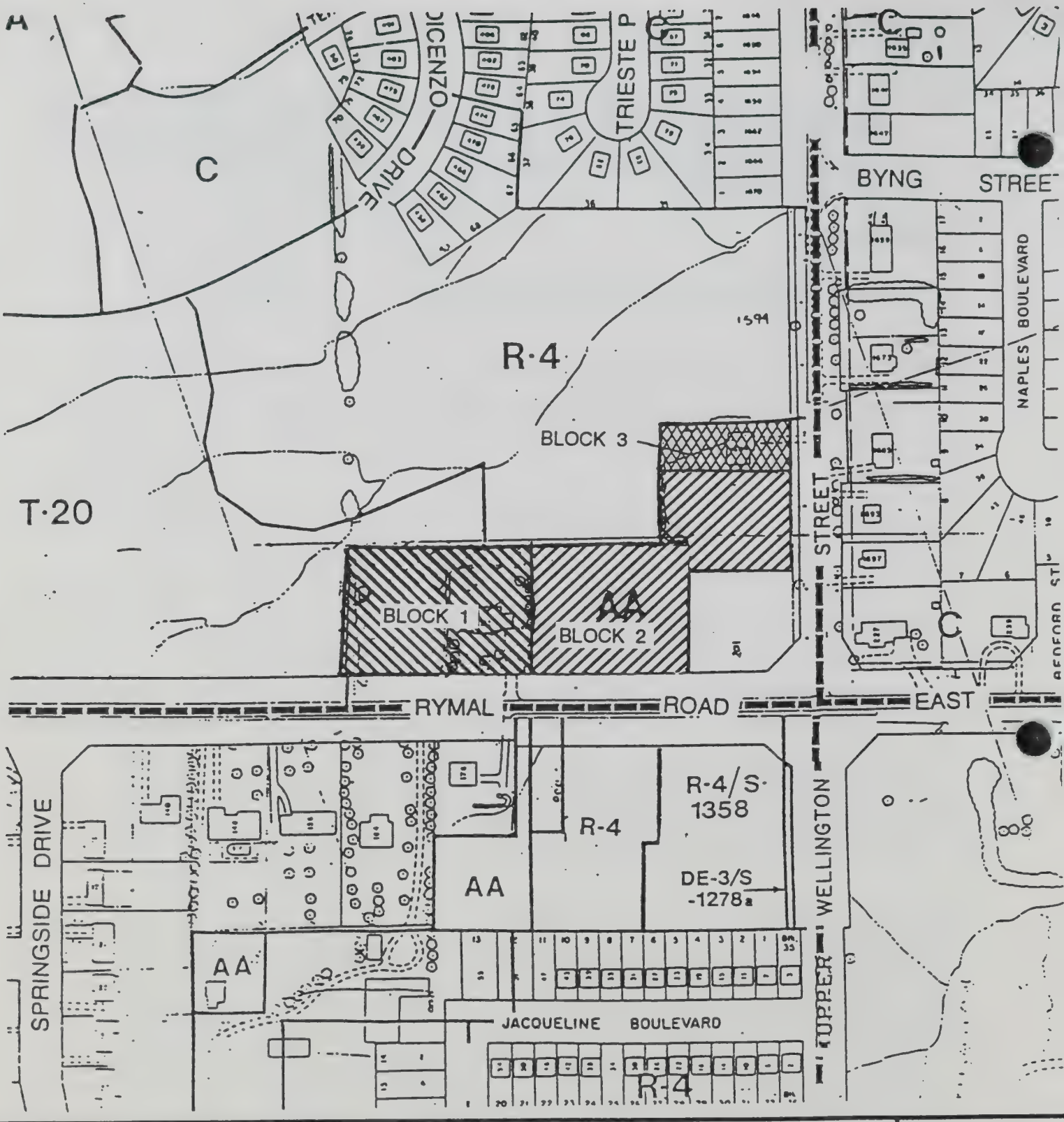
5. The Building Department has advised that additional information regarding minimum lot area will be required to determine compliance with the Zoning By-law. As a condition of draft plan approval, the applicant will be required to submit a surveyor's certificate demonstrating compliance with the applicable provisions of the Zoning By-law conformity.

8. The approved Ryckmans Neighbourhood Plan identifies a neighbourhood park to the north of the subject lands adjacent to DiCenzo Drive. As such as a condition of draft plan approval, the applicant will be required to make a 5% cash-in-lieu parkland dedication to the City of Hamilton.

CONCLUSION:

Based on the foregoing, the applications can be supported.

SR/sr
ZA-96-05.2nd



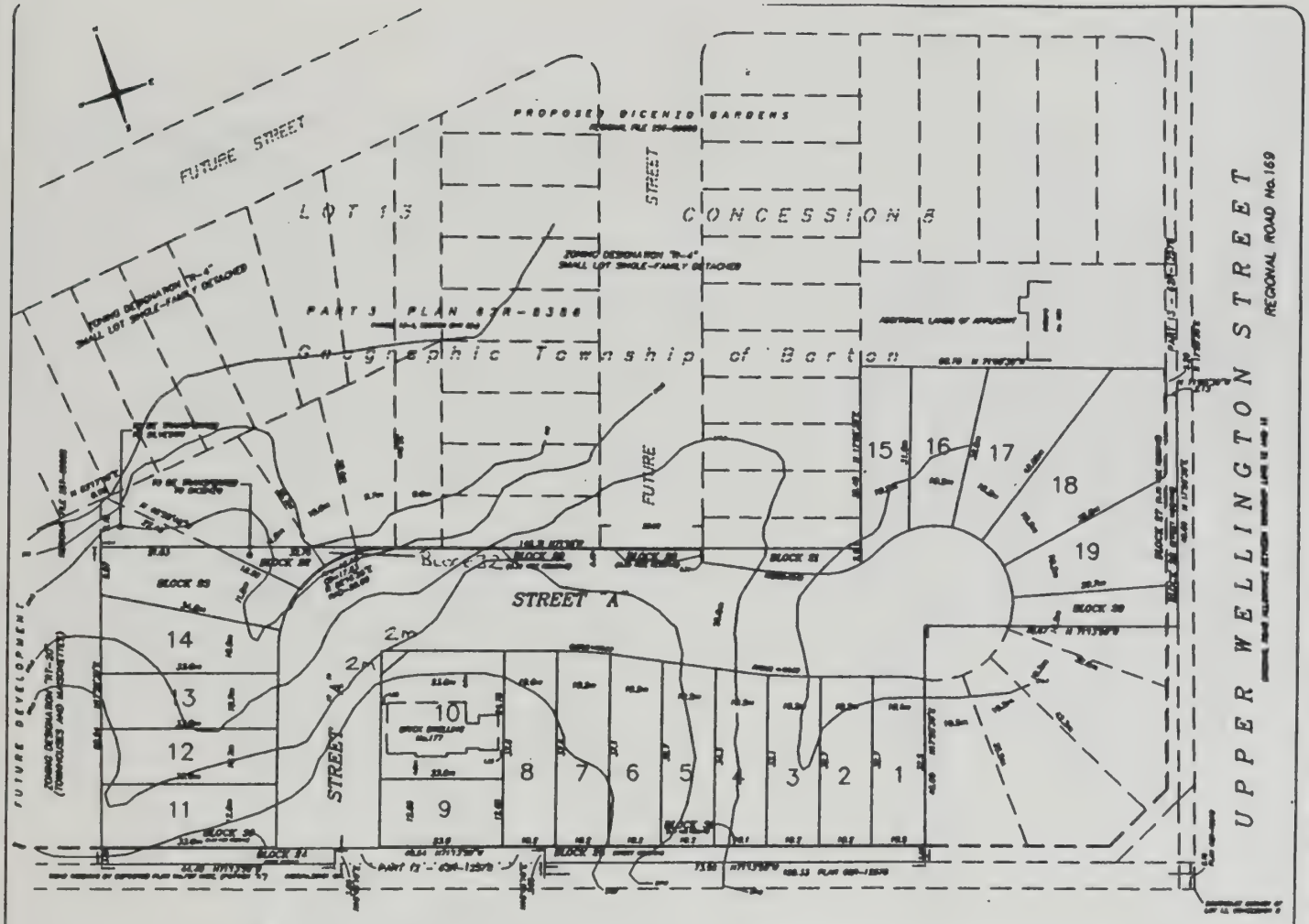
Legend

Proposed change in zoning :

BLOCK 1	"AA" (Agricultural) District, to "R-4" (Small Lot Single Family Dwelling) District.
BLOCK 2	"AA" (Agricultural) District to "R-4" -'H' (Small Lot Single Family Dwelling- Holding) District
BLOCK 3	"AA" (Agricultural) District, to "C" (Urban Protected Residential, etc) District

ZAC-96-05
SAC-96-01

APPENDIX "A



DRAFT PLAN OF

OLMSTED PARK

BEING A PROPOSED SUBDIVISION OF

PART OF LOT 13–CONCESSION 8

GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

SCALE 1:000

0 5 10 20 30 40 50 metres

B. J. CLARKE O.L.S.

1996

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND ASSIGNMENT.

METRIC: DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

R.R.O. CHAPTER P. 13 R.S.O. 1990 SECTION 51(4) THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. NONE

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

APRIL 14, 1997 — DATE

B. J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

I, PAUL SILVESTRI, HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH FOR THEIR APPROVAL.

APRIL 14, 1997 — DATE

PAUL SILVESTRI

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 1.300 ha (3.999 acres)
LOTS 1 TO 19 – SINGLE FAMILY RESIDENTIAL
BLOCKS 21,22 AND 23 TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS
BLOCKS 24,25 AND 26–LANEWAY RESIDENCE
BLOCKS 27,28,29,30 AND 31–REAR RESIDENCE

SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

THIS DAY OF , 1997.

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
AUTHORIZED BY BY-LAW No. 790-72

A. J. Clarke and Associates Ltd.

PROPOSED RED–LINE REVISIONS
OCTOBER 21, 1996

MODIFIED FEB. 28, 1997 BY A. J. CLARKE AND ASSOCIATES LTD.
MODIFIED MARCH 3, 1997 BY A. J. CLARKE AND ASSOCIATES LTD.
MODIFIED APRIL 14, 1997 BY A. J. CLARKE AND ASSOCIATES LTD.

MacNAY, PIKE, DAVIS & ASSOCIATES LIMITED

APPENDIX "B"

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 16
ZAC-97-07 & 25T-83003(R)
Lisgar Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Revised Draft Plan of Subdivision ("Wisemount Estates") and Request for a change in zoning - Lands located West of Kenilworth Avenue and North of Limeridge Road East

RECOMMENDATIONS:

(a) That the amended request by 822827 Ontario Inc. (A. DiSilvestro) for a revised plan of subdivision "Wisemount Estates" (File No. 25T-83004(R)), for lands located west of Kenilworth Avenue and north of Limeridge Road East, comprising of 67 lots for street townhouses, 1 lot for a single family dwelling, 1 block to be merged with the abutting single family lot, 1 block for parkland, 2 blocks for road widening purposes, 1 block for a small lot single family dwelling, as shown on the attached map marked as APPENDIX "B", be **DENIED**; and,

That amended Zoning Application ZAC-97-07, **822827 Ontario Inc., owner,** for changes in zoning from "DE-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "1"); from "DE-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "2"); from "E-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "3"); from "E-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "4"); and, from "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District (Block "5") for lands located west of Kenilworth Avenue and north of Limeridge Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

(i) the dedication of Block 69 to the City of Hamilton as a park block cannot be supported for the following reasons:

- since it is an isolated site which has no visibility from the street and will be fenced on all sides from the adjacent residential properties, it may not be possible to see the activities that are occurring in the park (eg dogs running off the leash);

- due to the size of the proposed park, there are potential land use conflicts such as noise emanating from the park and encroachments by abutting property owners into public space, etc.; and,

- the size is too small for neighbourhood park facilities.

(ii) the development of Block 69 as a private park cannot be supported given that if the property standards are not maintained, the City may incur significant costs enforcing the property standards backyard by-laws. If the City should gain ownership of this parcel of land in the future, the municipality would assume responsibility for maintenance and policing of the land.

(b) That the red-line revised plan of subdivision "Wisemount Estates" (File No. 25T-83004(R)), for lands located west of Kenilworth Avenue and north of Limeridge Road East, comprising of 52 lots for street townhouses, 1 lot for a single family dwelling, 1 block for future development, 2 blocks for road widening purposes, and 1 block for a public walkway, be approved subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and J.D. Barnes Limited (surveyor), dated March 20, 1997, showing 52 lots for street townhouses, 1 lot for a single family dwelling, 1 block for future development, 2 blocks for road widening purposes, and 1 block for a public walkway (see attached APPENDIX "D");

(ii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(v) That the final plan conform with the Zoning By-law approved under the Planning

Act;

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(vii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.

(viii) That the owner dedicate Block 56, being a 3.048 m road widening for Limeridge Road, to the City of Hamilton.

(ix) That the owner dedicate Block 57, being a 5.18 m road widening for Upper Kenilworth Avenue, to the City of Hamilton.

(x) That the Owner establish Street "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision. All works must be completed to the satisfaction of the Senior Director, Roads Department.

(xi) That the Owner provide the Region with documentation to the satisfaction of the Regional Environment Department and Utility Corporations (Hamilton Hydro, Union Gas, Bell Canada and Cable TV) that the standard roadway cross-section,

utilities and municipal sidewalks etc., for a 20.0m road allowance, can be installed on both sides of Street "A", proposed at 18.0m width.

(xii) That the Owner construct sidewalks on both sides of Street "A" and that a combined walk and curb is to be constructed to the satisfaction of the Regional Environment Department.

(xiii) That 1 m by 1 m daylight triangles be included on the Final Plan of Subdivision at the intersection of Street "A" and Limeridge Road, as widened and Street A and Upper Kenilworth Avenue, as widened.

(xiv) That a minimum 4 m by 4 m daylight triangle be included on the Final Plan of Subdivision at the 90 angle in Street "A" adjacent to Lot 42.

(xv) That Block 55, being a 6.0 m wide public walkway be dedicated to the City of Hamilton and the costs to construct the walkway are the responsibility of the applicant/owner.

(xvi) That the Owner pay all costs for servicing, etc. on Street A adjacent to Block 55.

(xvii) That the Owner convey Blocks 58, 59, 60 and 61, being 0.30 m wide reserves along Lots 4, 52, 29 and 28 respectively, to the City of Hamilton, by deed, at the time of registration of the Final Plan of Subdivision.

(xviii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(xix) That Street "A" be dedicated to the City of Hamilton as a public highway on the Final Plan of Subdivision.

(xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

(xxi) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-83003(R)), 822827 Ontario Inc., owner, proposed revised draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved

by City Council;

(d) That the Regional Commissioner of Environment be advised that the City of Hamilton requests that the Draft Approved plan of Subdivision "Wisemount Estates - Phase 8" (Regional File No. 25T-83004) be revised to incorporate a 6.0m wide block, for use as a public walkway, in accordance as shown on the attached map marked as APPENDIX "B", connecting Block 55 with Locheed Drive, that the lotting pattern be amended accordingly. In addition, it is requested that the conditions of draft approval be amended to require that the applicant dedicate the subject land as a Public Walkway to the City of Hamilton.

(e) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(f) That approval be given to amended Zoning Application ZAC-97-07, **822827 Ontario Inc., owner,** for changes in zoning from "DE-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "1"); from "E-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "2"); from "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District (Block "3"); and from "R-4" (Small Lot Single Family) District to "A" (Conservation, Open Space, Parkland and Recreation) District (Block 4) for lands located west of Kenilworth Avenue and north of Limeridge Road East, as shown on the attached map marked as APPENDIX "C", on the following basis:

(i) That Block "1" be rezoned from "DE-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District;

(ii) That Block "2" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District;

(iii) That Block "3" be rezoned from "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District;

(iv) That Block "4" be rezoned from "R-4" (Small Lot Single Family) District to "A" (Conservation, Open Space, Parkland and Recreation) District;

(v) That the "RT-30" (Street Townhouse - Maisonette) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements;

(a) That in addition to the requirements of Section 10F.(4)(a) of Zoning By-law No. 6593, a minimum front yard having a depth of not less than 8.0 m to the garage or carport where the lot fronts onto a road allowance that is less than 20.0 m in width shall be provided and maintained;

utilities and municipal sidewalks etc., for a 20.0m road allowance, can be installed on both sides of Street "A", proposed at 18.0m width.

(xii) That the Owner construct sidewalks on both sides of Street "A" and that a combined walk and curb is to be constructed to the satisfaction of the Regional Environment Department.

(xiii) That 1 m by 1 m daylight triangles be included on the Final Plan of Subdivision at the intersection of Street "A" and Limeridge Road, as widened and Street A and Upper Kenilworth Avenue, as widened.

(xiv) That a minimum 4 m by 4 m daylight triangle be included on the Final Plan of Subdivision at the 90 angle in Street "A" adjacent to Lot 42.

(xv) That Block 55, being a 6.0 m wide public walkway be dedicated to the City of Hamilton and the costs to construct the walkway are the responsibility of the applicant/owner.

(xvi) That the Owner pay all costs for servicing, etc. on Street A adjacent to Block 55.

(xvii) That the Owner convey Blocks 58, 59, 60 and 61, being 0.30 m wide reserves along Lots 4, 52, 29 and 28 respectively, to the City of Hamilton, by deed, at the time of registration of the Final Plan of Subdivision.

(xviii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(xix) That Street "A" be dedicated to the City of Hamilton as a public highway on the Final Plan of Subdivision.

(xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

(xxi) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-83003(R)), 822827 Ontario Inc., owner, proposed revised draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved

by City Council;

(d) That the Regional Commissioner of Environment be advised that the City of Hamilton requests that the Draft Approved plan of Subdivision "Wisemount Estates - Phase 8" (Regional File No. 25T-83004) be revised to incorporate a 6.0m wide block, for use as a public walkway, in accordance as shown on the attached map marked as APPENDIX "B", connecting Block 55 with Locheed Drive, that the lotting pattern be amended accordingly. In addition, it is requested that the conditions of draft approval be amended to require that the applicant dedicate the subject land as a Public Walkway to the City of Hamilton.

(e) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(f) That approval be given to amended Zoning Application ZAC-97-07, **822827 Ontario Inc., owner,** for changes in zoning from "DE-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "1"); from "E-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "2"); from "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District (Block "3"); and from "R-4" (Small Lot Single Family) District to "A" (Conservation, Open Space, Parkland and Recreation) District (Block 4) for lands located west of Kenilworth Avenue and north of Limeridge Road East, as shown on the attached map marked as APPENDIX "C", on the following basis:

(i) That Block "1" be rezoned from "DE-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District;

(ii) That Block "2" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District;

(iii) That Block "3" be rezoned from "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District;

(iv) That Block "4" be rezoned from "R-4" (Small Lot Single Family) District to "A" (Conservation, Open Space, Parkland and Recreation) District;

(v) That the "RT-30" (Street Townhouse - Maisonette) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements;

(a) That in addition to the requirements of Section 10F.(4)(a) of Zoning By-law No. 6593, a minimum front yard having a depth of not less than 8.0 m to the garage or carport where the lot fronts onto a road allowance that is less than 20.0 m in width shall be provided and maintained;

(vi) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the Blocks "1" and "2" on Zoning District Map E-59A be notated S - ;

(vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A for presentation to City Council; and,

(viii) That, upon finalization of the implementing zoning by-law, the Lisgar Neighbourhood Plan be amended as follows:

(a) that the public highway shown as Street "A" on Appendix "B" be added to the Neighbourhood Plan;

(b) that Blocks "1" and "2", as shown on Appendix "A" be redesignated from "Medium Density Apartments" to "Attached Housing"; and,

(c) that the existing sewer easement/walkway be redesignated from "Open Space" to "Single & Double" and that the new location of the walkway be designated as "Open Space" and labelled as a "6m Walkway".

(ix) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands located west of Kenilworth Avenue and north of Limeridge Road East, as shown on the attached map, on the following basis:

Block "1"	-	From "DE-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District;
Block "2"	-	From "E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District;
Block "3"	-	From "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District; and,
Block "4"	-	From "R-4" (Small Lot Single Family) District to "A" (Conservation, Open Space, Parkland and Recreation) District; and,

In addition, the By-law provides for the following variance applicable to Blocks "1" and "2":

- A minimum front yard having a depth of not less than 8.0 m to the garage or carport where the lot fronts onto a road allowance that is less than 20.0 m in width.

The effect of the By-law is to permit the development of the subject lands for 52 lots for street townhouses, 1 lot for a single family dwelling, 1 block for future development, 2 blocks for road widening purposes, and 1 block for a public walkway, in accordance with the red-lined revised draft plan of subdivision "Wisemount Estates".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Lisgar Neighbourhood Plan

The Lisgar Neighbourhood Plan was approved in 1967. The site, as well as the abutting lands to the north, were designated "Medium Density Apartments". In 1994, City Council approved the redesignation of the lands fronting onto Locheed Drive from "Medium Density Apartments" to "Single and Double" Residential.

Draft Plan of Subdivision 25T-83004 "Wisemount Estates"

In 1983, the "Wisemount Estates" plan of subdivision received draft plan approval. The subject lands were intended to be developed for medium density apartments. In this regard, the lands located at the north-west corner of Limeridge Road and Upper Kenilworth have been developed for a 6 storey, 43 unit apartment building.

Zoning Application 93-26

In December, 1994, Council approved Zoning Application 93-26 which changed the zoning for the lands fronting onto Locheed Drive from "DE-2" District and "E-2" District to "R-4" District. The applicant is proceeding with the development of these lands.

Site Plan Control Application 95-12

In Mar, 1995, an application for site plan control to permit the construction of a 100 unit apartment complex was made for the subject lands. The apartment complex was designed to look like townhouse units (see APPENDIX "F"). The application was approved on May 9, 1995.

Applicant:

822827 Ontario Inc., owner (A. DiSilvestro, President).

Agent:

David Elliot, Agro, Zaffiro, et.al.

Surveyor:

J.D. Barnes Limited

Location:

The lands are located west of Kenilworth Avenue and north of Limeridge Road East and south of Locheed Drive, in the Lisgar Neighbourhood (see APPENDIX "A").

Lot size and area:

The subject property is irregular in shape and has:

- a width of 100.860 m along Limeridge Road East and 199.176 m along Upper Kenilworth Avenue; and,
- ±2.3 ha (±5.68 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant lands	"DE-2" (Multiple Dwellings) District and "E-2" (Multiple Dwellings) District

Surrounding Land Use

to the north	Single Detached Dwellings and Vacant Lands	"R-4" (Small Lot Single Family) District and "C" (Urban Protected Residential, etc.) District
to the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Parkland	"A" (Conservation, Open Space, Park and Recreation) District
to the west	Vacant lands and Single Detached Dwellings	"R-4" (Small Lot Single Family) District and "AA" (Agricultural) District

Subdivision Proposal:

The subdivision proposal as submitted by the applicant is to revise the existing draft plan of subdivision "Wisemount Estates" from low density apartment uses to street townhouse development. Specifically, the revised plan of subdivision is for 67 lots for street townhouses, 6 blocks to be developed with the adjacent lands for small lot single family dwellings, 1 lot for a future road, 2 blocks for road widening purposes, 1 block for a small lot single family dwelling and 1 block for a public walkway.

The revised draft plan has been red-line revised to combine Block 69 and Lots 28 - 43, inclusive, and Block 70 into 1 block (shown as Block 54 on the red-line revised plan). This will allow for the future comprehensive development of these lands (see APPENDIX "D").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

Official Plan:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Medium Density Apartments" in the approved Lisgar Neighbourhood Plan. Approval of the application would necessitate the following neighbourhood plan changes:

(a) that the public highway shown as Street "A" on Appendix "C" be added to the Neighbourhood Plan;

(b) that Blocks "1" and "2", as shown on Appendix "C" be redesignated from "Medium Density Apartments" to "Attached Housing"; and,

(c) that the existing sewer easement/walkway be redesignated from "Open Space" to "Single & Double" and that the new location of the walkway be designated as "Open Space" and labelled as a "6m Walkway".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority (HRCA) had no objection to the proposed changes in zoning.

- The Traffic Division, Department of Public Works and Traffic advised that:

  "We recommend that where possible, the setback between the property line and any garage doors for the units be 8.0 m to address the issue of little or no on-street parking being available as a result of the narrow lots

  Considering the designation of Block 69 as parkland, the input of the Parks Division should be considered prior to any final approval. It is our understanding that the Parks Division has been circulated with this revised application."

- The Regional Environment Department, has advised:

  "RECOMMENDATIONS:

  1. The owner must satisfy all requirements, financial and otherwise of the City of Hamilton prior to the development of any portion of these lands.

  2. The owner must accommodate all utilities to the satisfaction of the Commissioner of the Regional Environment Department in a 18.0 metre road allowance. To achieve this the design will deviate from the standard roadway cross-section and must be revised to allow the construction of sidewalks adjacent to the curb without boulevards.

3. The owner dedicate the required road widenings for Limeridge Road and Upper Kenilworth Avenue by Certificate on the Final Plan.

4. That the owner dedicate 1.0 metre by 1.0 metre daylight triangles at the intersection of Street "A" and Limeridge Road East, as widened and Street "A" and Upper Kenilworth Avenue, as widened.

5. That the owner dedicate a 4.0 metre by 4.0 metre daylight triangle at the 90^0 angle in Street "A", adjacent to Lot 57.

6. That access to Lot 57 be restricted to the south side of the lot, access to Lots 4 and 67 be restricted to the north side of the lot and access to Lots 27 and 44 be restricted to the west side of the lot.

7. That additional building setback be required to keep the same distance from the sidewalk to the garage as the rest of the community.

8. That a Block on the final plan be dedicated to the City of Hamilton for Public Walkway for a Public Walkway from Street "A" to the north west limit of the subdivision to be extended to the future street Locheed Drive.

Information

1. In order to accommodate all of the underground utilities as well as sewers and watermains and the ability to provide municipal sidewalks on both sides of Street "A", the owner must demonstrate that all utilities can be accommodated to the satisfaction of the Commissioner of the Regional Environment Department.

2. Block 69 appears to be intended for dedication as City parkland on this draft plan. It is out understanding that the City has sufficient Parkland within the Lisgar Neighbourhood. The status and requirement of Block 69 for Parkland should be determined by the appropriate Department. However, should Block 69 be retained as in private ownership as a private park, there is a possibility that the City will incur significant costs and efforts in ensuring that the Property standards are enforced. The City of hamilton would be responsible for the maintenance of these lands should the Block revert to Municipal ownership at any point in the future.

   Therefore, an alternative land use may be appropriate for this Block 69.

3. There will be no City share for services if this development.

4. Canada Post has advised our Department that they require Community Mailboxes for this development.

The submitted plan, as prepared by J.D. Barnes Limited and dated March 20, 1997 is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

- The Building Department has advised that:

"RT-30 District

1. Each lot for each dwelling unit must have a width not less than 6.0m and area not less than 180.0 m^2.

2. The lot areas have not been provided to determine compliance. It appears that Lot 11 has insufficient lot area.

3. A minimum 2.0m side yard is required for a two storey building with garages/carports attached.

4. No concept plan has been submitted, however, due to the proposed lot widths the buildings are restricted to a two storey with 2.0m side yards.

R-4 District

1. Block 68 has sufficient lot width and area.

2. It appears that Block 70 is to be merged under the registered title of Lot 8 of Plan No. 62M-794.

A District

1. Block 69 must have a minimum lot width of 24.0m and a lot area of 1848.0 m^2."

- The Parks Division, Department of Public Works and Traffic has advised that:

"Parks Division staff have reviewed the subject draft plan of subdivision and offer the following comments with respect to the proposed parkland dedication represented by the area identified as Block 69 on said draft plan:

1. The proposed development and parkland dedication area falls within the Lisgar Neighbourhood, which according to the Park Expenditures Policies represents an area having an identified deficiency in parkland of 1.41 hectares and as such is classified as a Priority B & D neighbourhood for park acquisitions: for convenience purposes, the criteria for Priority B & D acquisition areas is as follows -

Priority B: Those neighbourhood for which there is an identified deficiency in parkland is an identified deficiency in parkland (greater than 1 hectare is size); there is either no neighbourhood plan or no land identified for acquisition on the approved neighbourhood plan.

Priority D: Those properties which are currently used for City park purposes but are not owned by the City.

Notwithstanding the identified deficiency for the Lisgar Neighbourhood, it is my opinion that we should be acquiring lands, through parkland dedication or acquisition, that represent the best possible investment by the City on behalf of the residents living in the surrounding area, I would suggest that the proposed park (Block 69) fails to pass this fundamental requirement for a number of reasons, as follows:

- Park Size - Block 69 represents an area of approximately .3 hectares which for the purpose of establishing neighbourhood park facilities is extremely small and offers little opportunity to maintain reasonable setbacks from property lines of abutting residents.

- Configuration - Block 69 is simply a remnant piece of property which happens to be proposed for park purposes, however, shape combined with size offers little opportunity for any form of reasonable development the street frontage area is irregular in shape and shallow in depth connected by a narrow corridor to the larger block of property which is triangular is shape. The three corner areas of the larger block and the entire area fronting on proposed Street 'A' represent essentially wasteland space and serve no practical purpose as far as parkland development and/or use is concerned.

- Location - the larger area of Block 69 is not visible from the street in which case police and park maintenance personnel have limited capability for park surveillance from the street placing a greater responsibility on adjacent homeowners to police activities and report on unacceptable behaviour to the authorities.

- Adjacent Land Uses - the density of development and number of individual properties surrounding and adjacent to this small open space increases the potential for conflict between neighbours and those using the park ie. encroachments beyond property lines, excessive noise and safety concerns re: dogs brought to the area and allowed to run off the leash.

In view of the above noted development constraints and other concerns related to this property from a park maintenance and operations point of view, it would be my recommendation that the site be redesigned to incorporate these lands into a form of

residential use."

- The Hamilton Wentworth Regional Police Department has advised that:

"We agree that there is a number of parks presently in the area, all within .4 km of this proposed park. I think we can agree that parks in general attract particular problems and concerns from residents on occasion, but I am not sure that this particular area would cause any more concern for the police as any other park would. Many parks do not have access from or view from the surrounding streets. On occasion there are complaints from neighbours regarding disorderly gangs, vandalism and noise but with public support and partnership, these concerns may not be of such magnitude that the neighbourhood is upset. I am aware that there are environmental ways, including additional lighting that assist in assuring that problems are kept to a minimum.

The police and the beat management initiatives have worked very well in other locations and parks and it would be my position that any problems and concerns can and will be addressed through community policing and beat management initiatives.

I don't believe that it is the position of the Hamilton-Wentworth Regional Police to object to the establishment of park land particularly when we consistently look for places in which the young people of our community can channel their energies in a positive way. With the right approach to your concerns, I think the community can only benefit from any location that can be used in a positive way by residents and young people.

There is no question that the potential is there for problems to occur but by good management on the part of the police and the community, those problems should be overcome."

COMMENTS:

1. The red line revised plan of subdivision and associated zoning changes complies with the intent of the Official Plan.

2. The proposed street townhouses would be compatible with the existing residential land uses in the surrounding area.

3. The applicant has proposed that Block 69 be developed as an open space area for park purposes. The park could be either a public park or a private park.

   The dedication of Block 69 to the City of Hamilton as a park block cannot be supported for the following reasons:

   - since it is an isolated site which has no visibility from the street and will be

fenced on all sides from the adjacent residential properties, the Regional Police Department, parks maintenance staff and the general public will not be able to see the activities that are occurring in the park (eg dogs running off the leash);

- due to the size of the proposed park, there are potential land use conflicts such as noise emanating from the park and encroachments by abutting property owners into public space, etc.; and,

- the size is too small for neighbourhood park facilities.

There are also concerns respecting the use of this land as private open space. If the property standards are not maintained, the City may incur significant costs enforcing the property standards backyard by-laws. If the City should gain ownership of this parcel of land in the future, the municipality would assume responsibility for maintenance and policing of the land.

The Parks Division has advised that in view of the development constraints (eg park size, configuration, location and adjacent land uses) and other concerns related to this property from a park maintenance and operations point of view, it is recommended the site be redesigned to incorporate these lands into a form of residential use.

4. Given that an open space block for park purposes is not considered to be an appropriate use, there are several alternative options that would allow for the orderly planning and development of the subject land. The options for the park block are as follows:

i) extend the lot lines of the abutting small lot singles fronting onto Locheed Drive; or

ii) merge Block 69 with Lot 68 to create one lot with dual zoning ("R-4" District and "A" District); or

iii) revise the draft plan of subdivision to incorporate a cul-de-sac as per the proposal prepared by Urbex Engineering dated October 4, 1996; or

iv) create a condominium townhouse block by combining Block 68 with Lots 28 - 33, inclusive; or

v) increase the size of the park block by combining the Block 69 with Lots 13 - 21, inclusive, to allow for better visibility into the park and to provide for greater give the park block road frontage.

vi) combine Block 69 and Lots 28 - 43, inclusive, and Block 70 into 1 block (shown as Block 54 on the red-line revised plan). This will allow for the future comprehensive development of these lands.

Options (i) - (v) inclusive are shown in APPENDIX "E". Option (vi) is the red-line revised option recommended by Planning and Development Department staff (see APPENDIX "D").

5. Should the City decide to accept block for parkland, then the conditions of draft plan approval should be revised to require that the applicant comply with the standard requirements for dedicating land to the City of Hamilton (eg grading the park block).

   Alternatively, the applicant has proposed that the park block be developed as a "private park" for the future residents of the proposed subdivision. The issue of ownership of the "private park" would have to be resolved to determine who would be responsible for maintenance of the subject lands and payment of property taxes. For example, the applicant could retain ownership of the park block indefinitely in which case the owner would be liable for the subject lands; it could be added to one street townhouse or single family lot, or could be redesigned for a condominium block townhouse development.

6. The Building Department has advised that additional information regarding minimum lot area will be required to determine compliance with the Zoning By-law. As a condition of draft plan approval, the applicant will be required to submit a surveyor's certificate demonstrating compliance with the applicable provisions of the Zoning By-law conformity.

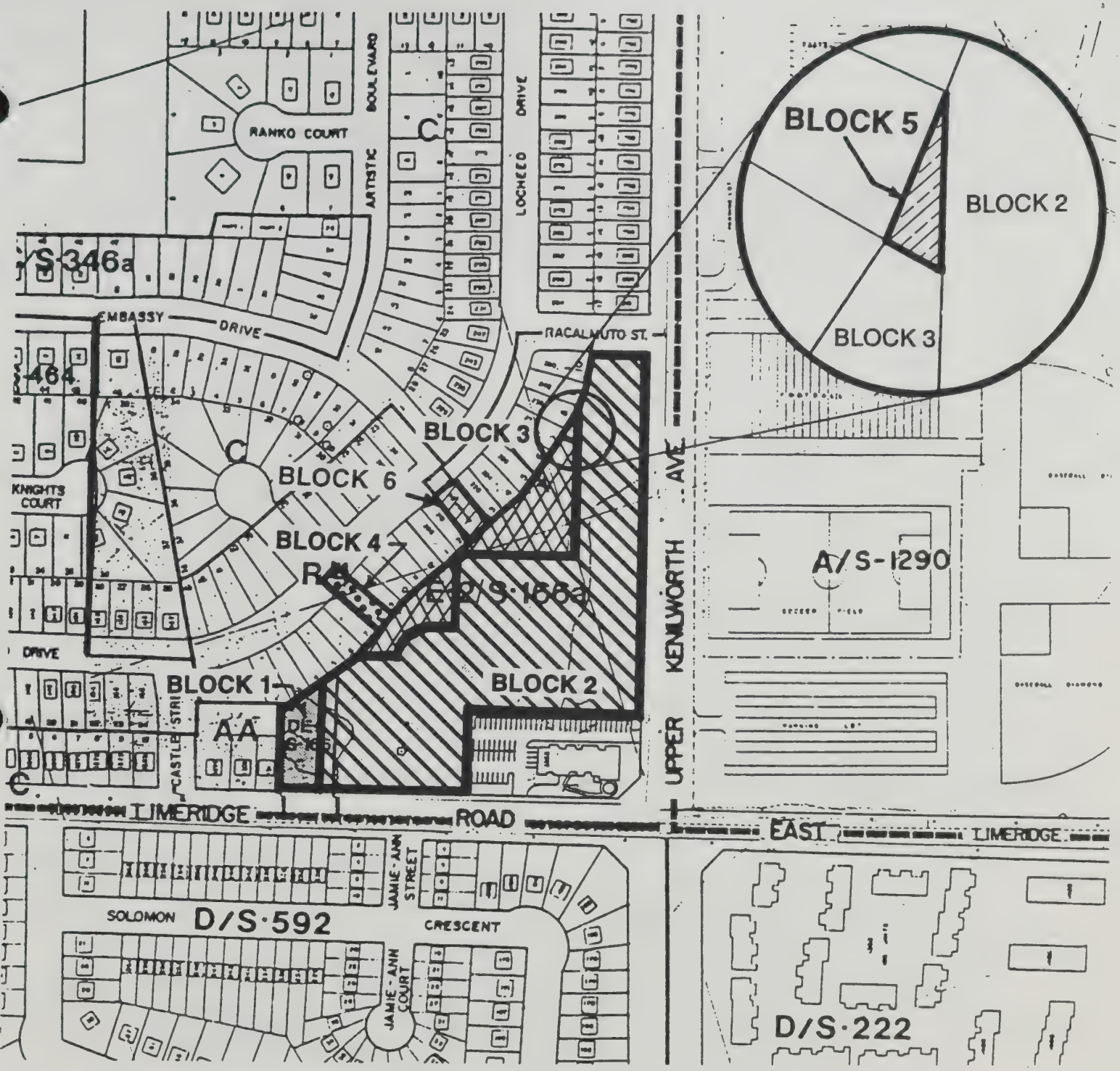
7. The "RT-30" (Townhouse - Maisonette) District is subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. In this regard, matters such as access, parking, landscaping, fencing, grading, etc. will be reviewed at the site plan control stage of development.

8. The approved Lisgar Neighbourhood Plan identifies a neighbourhood park to the north of the subject lands adjacent to the Lisgar Elementary School. In addition, directly to the east of the subject lands is Mohawk Sports Park. As such as a condition of draft plan approval, the applicant will be required to make a 5% cash-in-lieu parkland dedication to the City of Hamilton.

CONCLUSION:

Based on the foregoing, the applications, as revised, can be supported.

SR/sr
ZA-97-07.OPT



Legend

CHANGE IN ZONING :

BLOCK 1 — From "DE–2" (Multiple Dwellings) District, modified to "RT–30" (Street – Townhouse) District

BLOCK 2 — From "E–2" (Multiple Dwellings) District, modified to "RT–30" (Street – Townhouse) District

BLOCK 3 — From "DE–2" (Multiple Dwellings) District, modified to "A" (Conservation, Open Space, Parkland and Recreation) District

BLOCK 4 — From "R–4" (Small Lot Single Family) District, modified to "A" (Conservation, Open Space, Parkland and Recreation) District

BLOCKS 5 & 6 — From "E–2" (Multiple Dwellings) District, to "R–4" (Small Lot Single Family) District

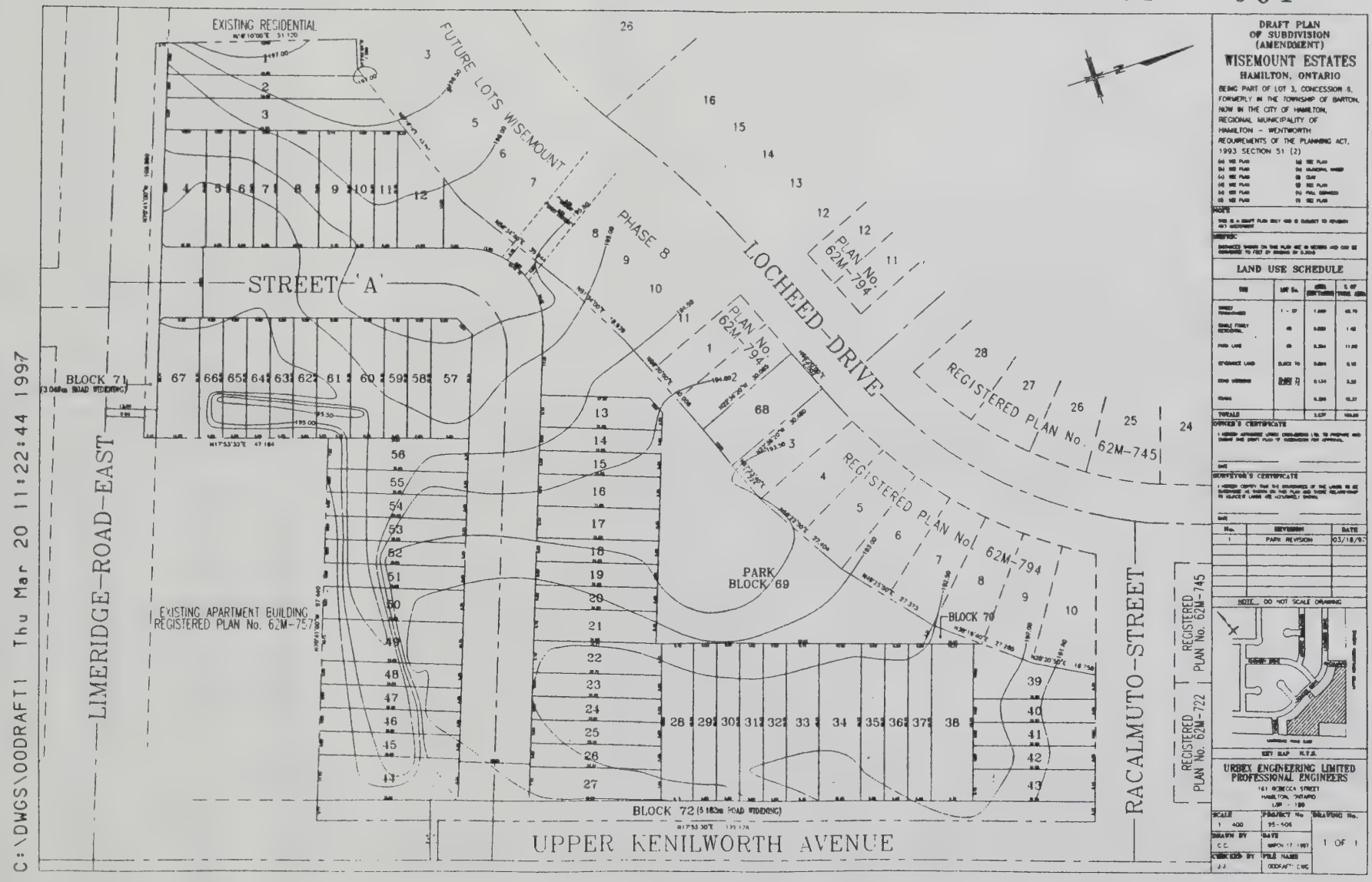
Reference File No. ZAC–97–07	
Drawn By W. B.	Date April 1997
Scale NOT TO SCALE	

North

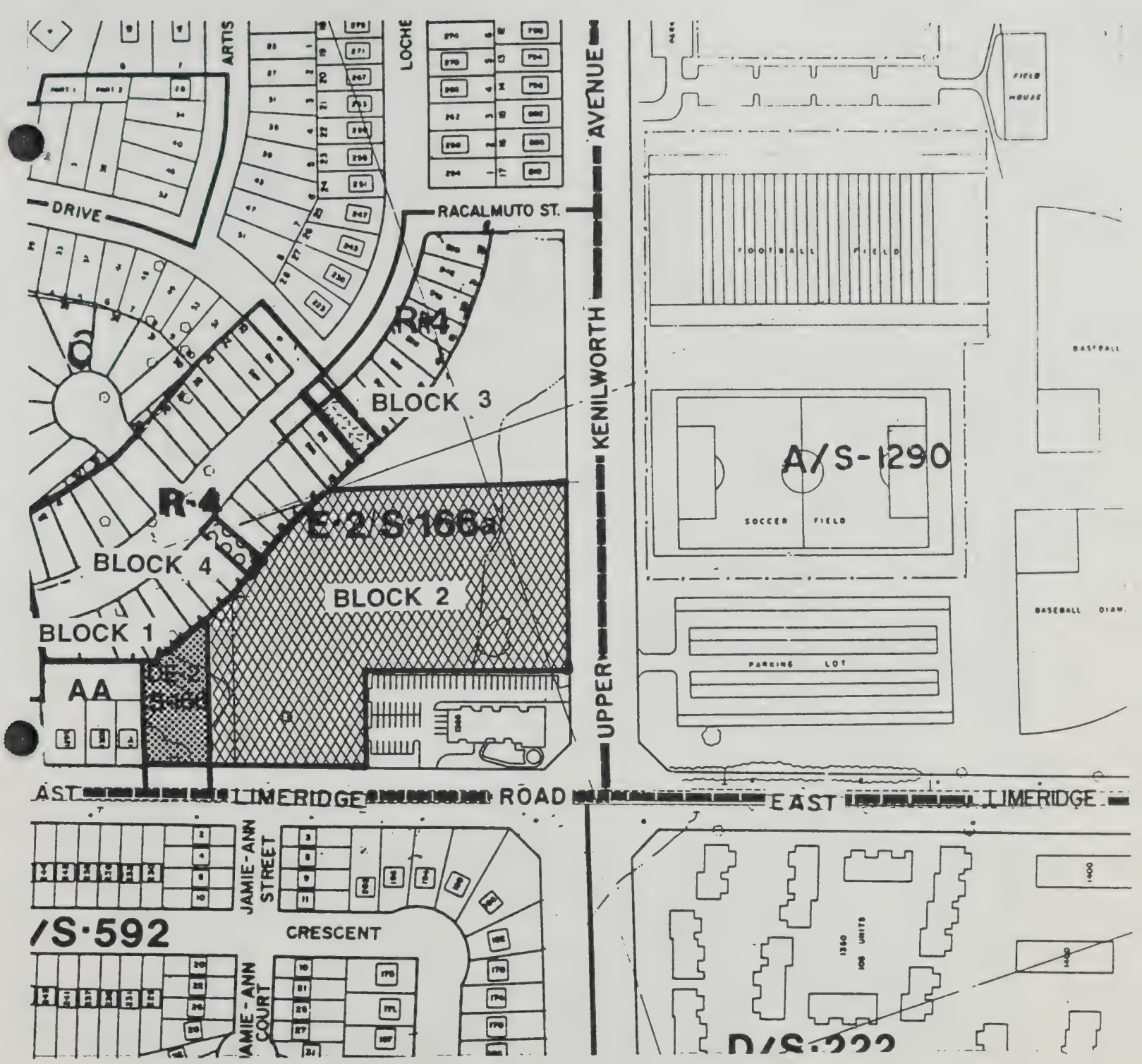
APPENDIX "A"

4te

25T-83004 REVISED



APPENDIX "B" - Amended Subdivision Application, submitted by Applica



Legend

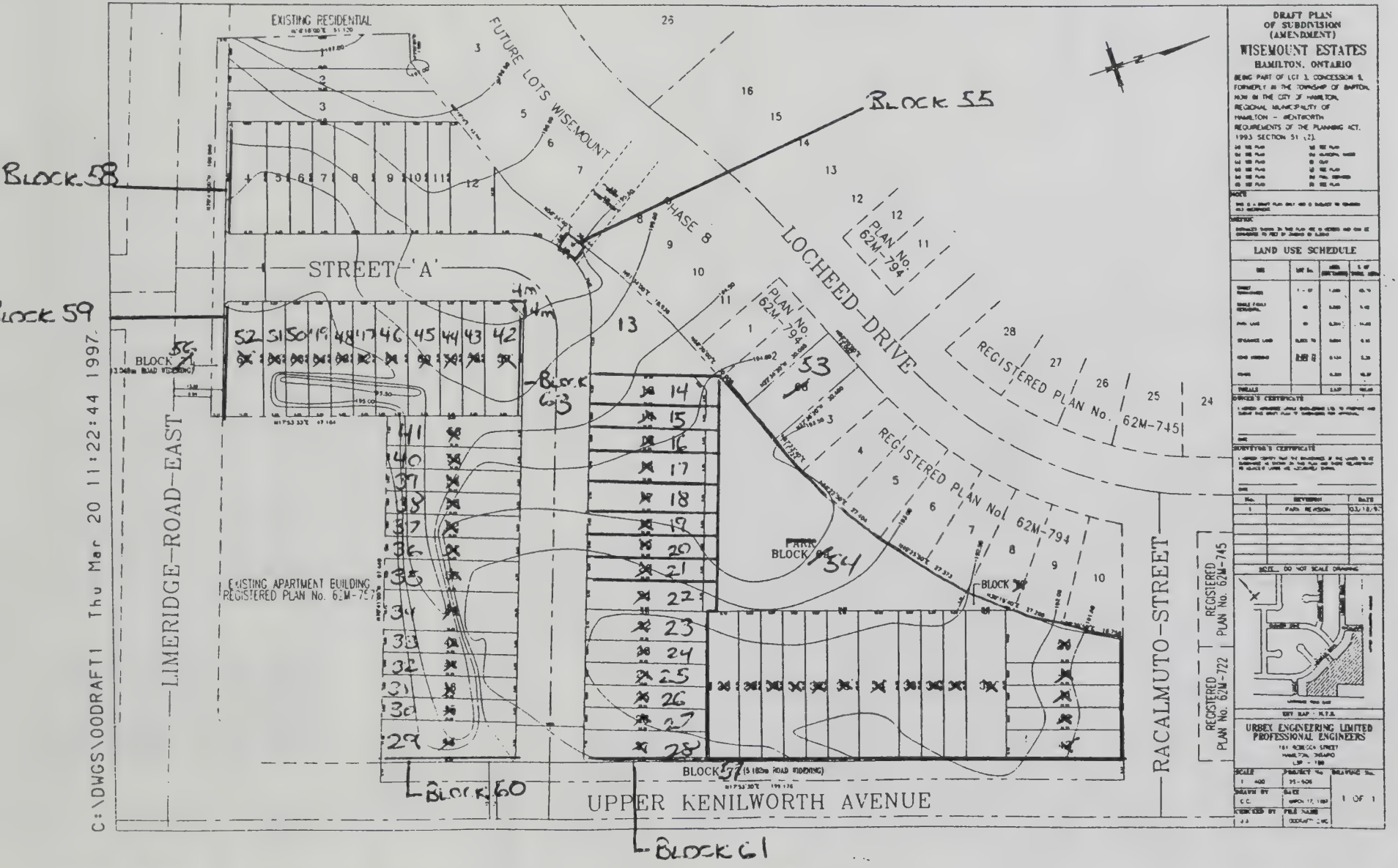
CHANGE IN ZONING :

BLOCK 1	From "DE-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District
BLOCK 2	From "E-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District
BLOCK 3	From "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single Family) District
BLOCK 4	From "R-4" (Small Lot Single Family) District, modified to "A" (Conservation, Open Space, Parkland and Recreation) District

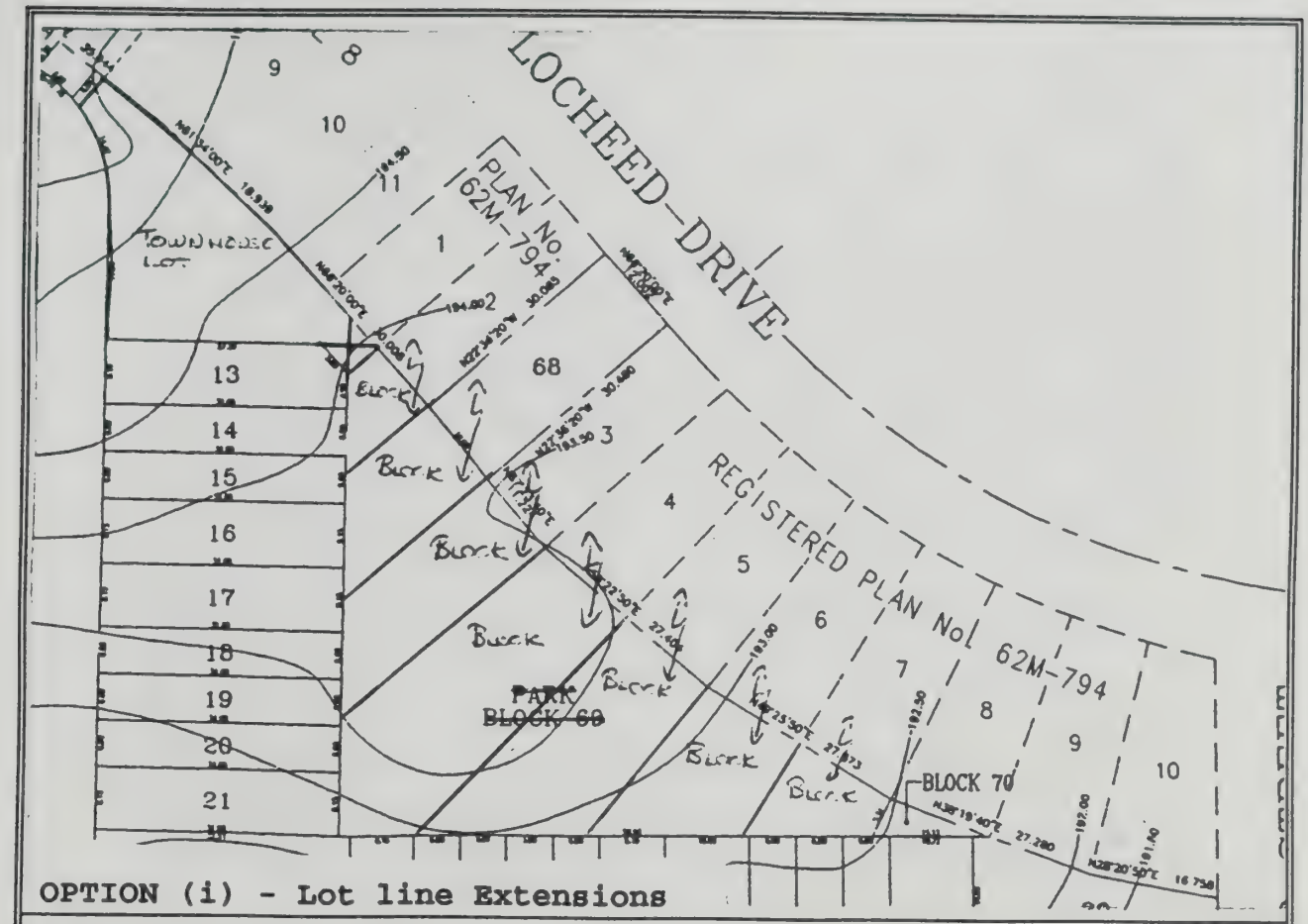
Referance File No	
ZAC-97-07	
Drawn By	Date
W. B.	April 199
Scale	
Not to Scale	
North	

APPENDIX "C"

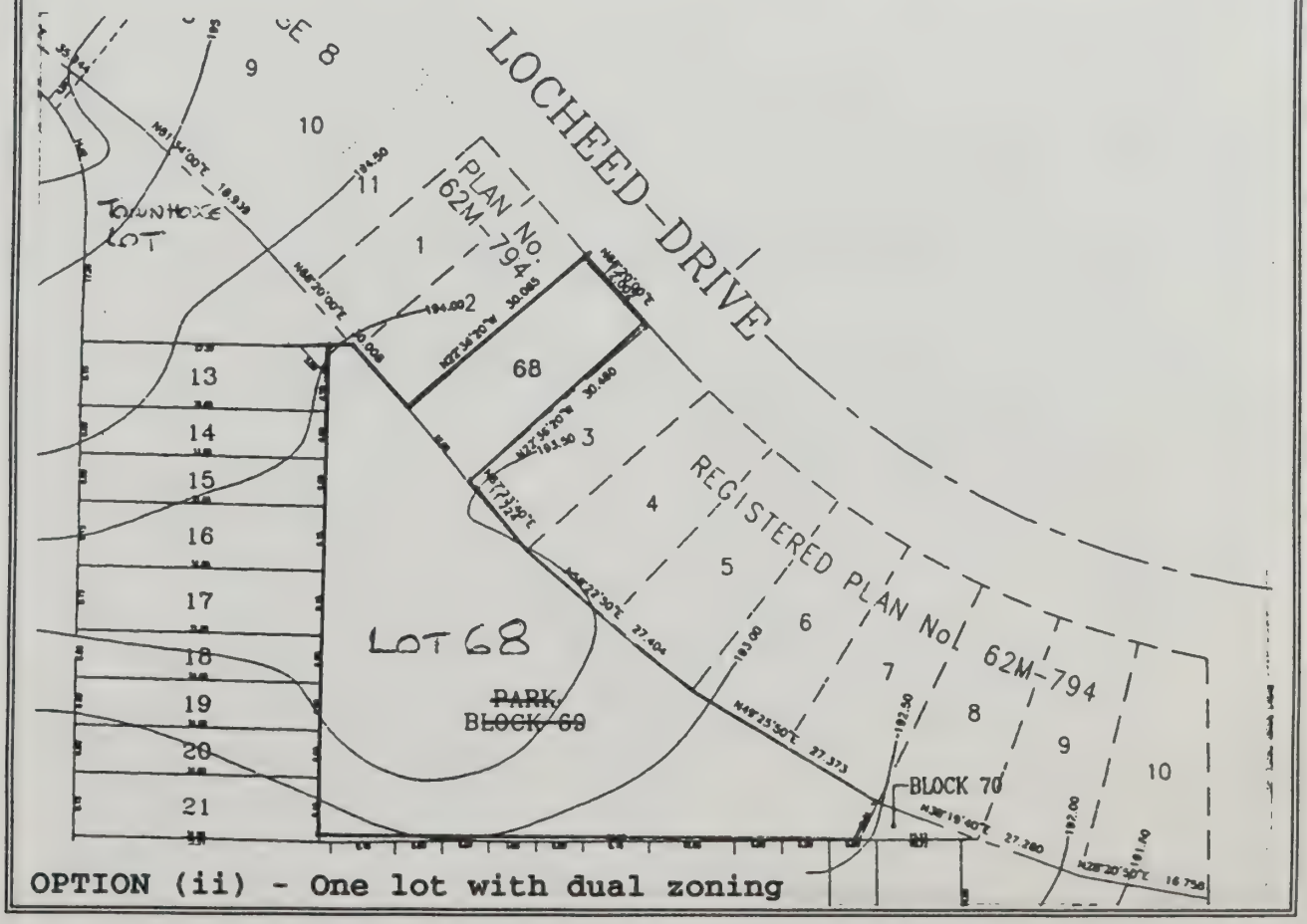
25T-83004 REVISED



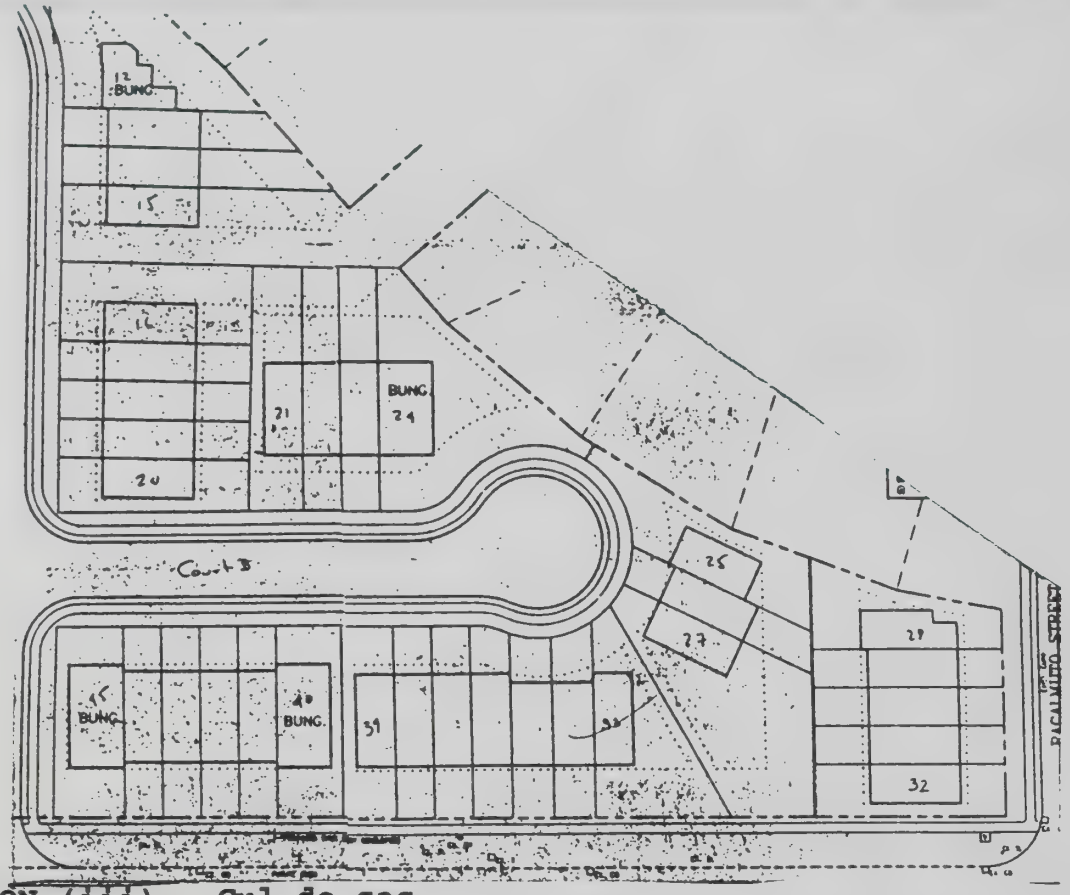
APPEND **"D"** - Amended Subdivision Application, a **ecommended by staff**



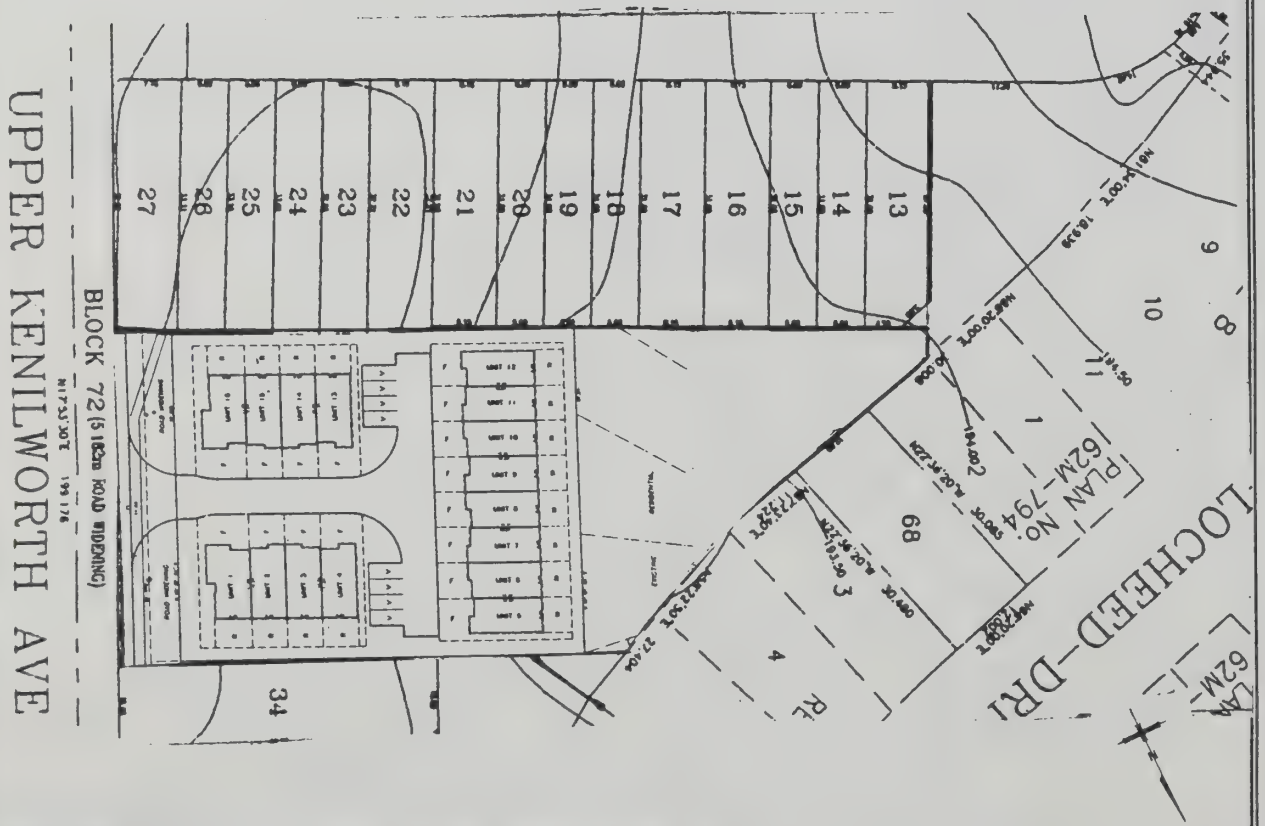
OPTION (i) - Lot line Extensions



OPTION (ii) - One lot with dual zoning

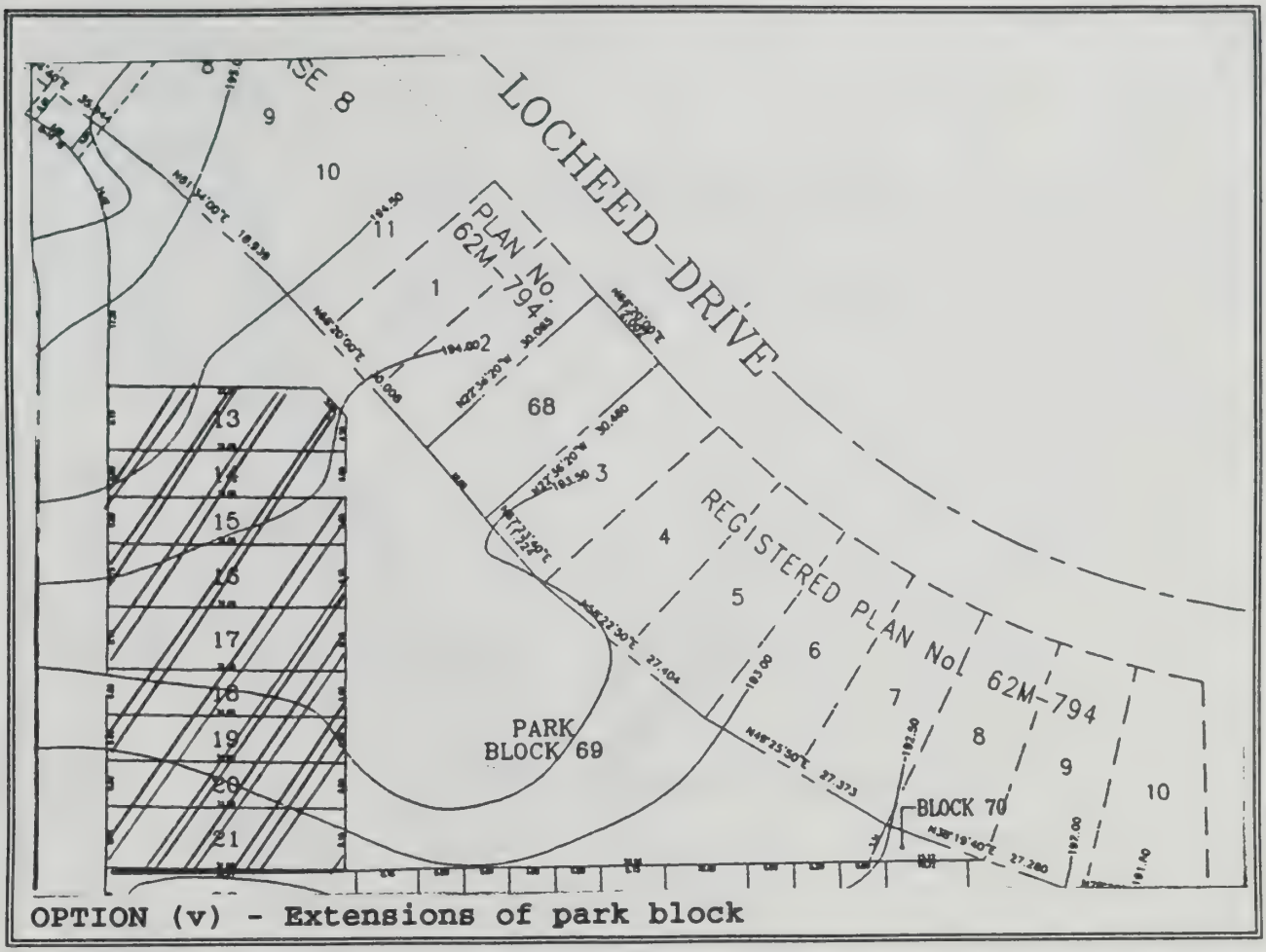


OPTION (iii) - Cul-de-sac

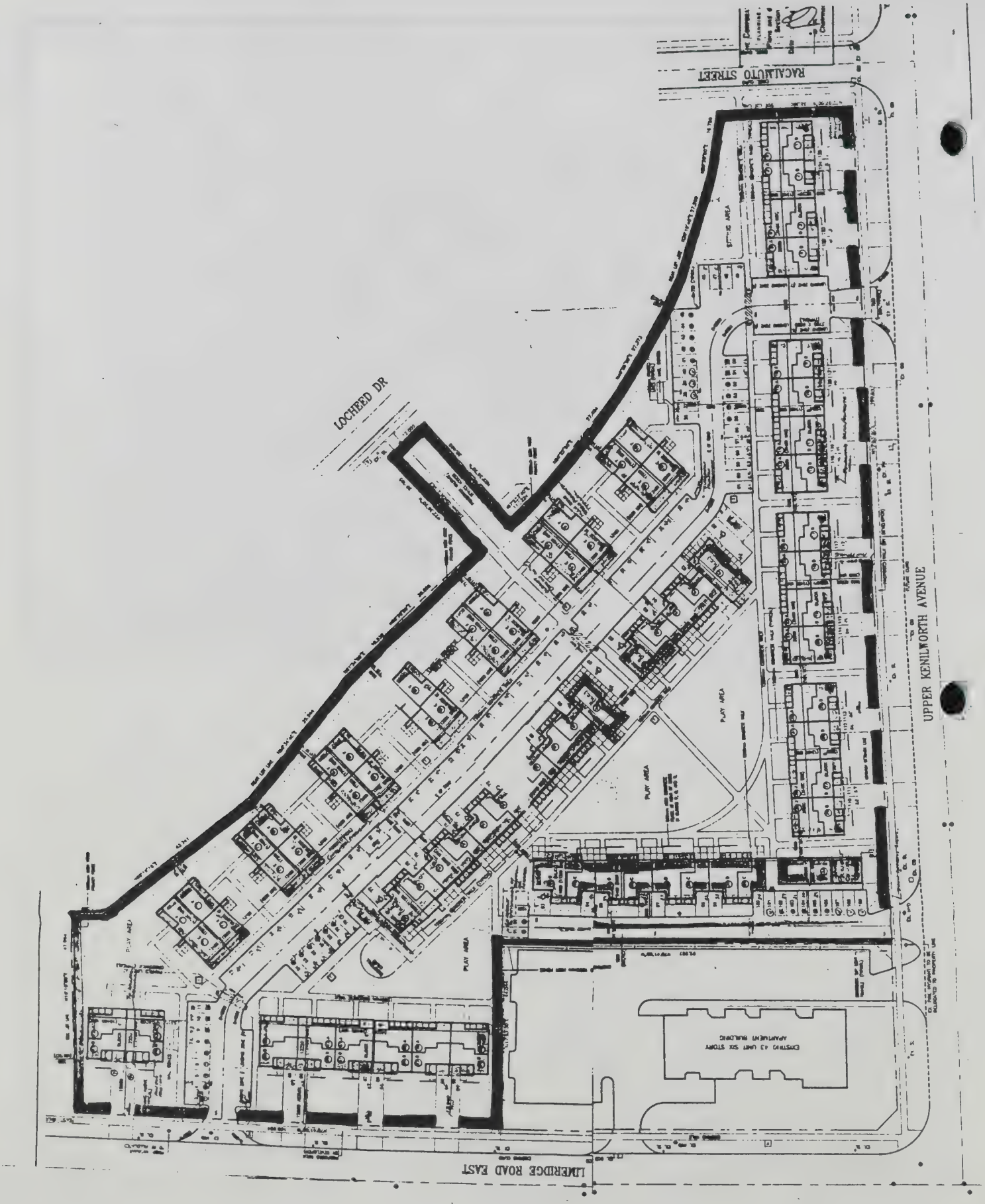


OPTION (iv) - Condominium Development

APPENDIX "E" (cont'd)



OPTION (v) - Extensions of park block



APPENDIX "F" - Site Plan Control Application 95-12 (100 unit apartment complex)

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 15
ZAC-97-01
Riverdale East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for change in Zoning from "RT-20" (Townhouse - Maisonette) District, modified to "DE-2 (Multiple Dwellings) District - Lands located west of Donn Avenue and south of Highridge Avenue

RECOMMENDATION:

That Zoning Application 97-01, Vedemo Construction Ltd., owner, requesting a change in Zoning from "RT-20" (Townhouse - Maisonette) District, modified to "DE-2 (Multiple Dwellings) District for lands located west of Donn Avenue and south of Highridge Avenue, to permit two 4-storey apartment buildings with a total of 92 units, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

(i) It conflicts with the intent of the Official Plan in that:

a) the proposed apartment buildings do not provide for a gradation of density in that the apartment buildings would be adjacent to single detached dwellings; and,

b) the preferred location for multiple dwellings is at nodes centred at the intersection of arterial and collector roads. The proposed multiple family dwellings would have access from a local road only;

(ii) It conflicts with the approved Neighbourhood Plan in that the subject lands are designated "Attached Housing" on the approved Riverdale East Neighbourhood Plan. The proposed use is consistent with the "Medium Density Apartments" designation. The preferred location for multiple family dwellings is at the intersection of arterial and collector roads.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Vedemo Construction Ltd., owner.

Agent:

John Parente.

Location:

The lands are located west of Donn Avenue, south of Highridge Avenue in the Riverdale East Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property is an irregular shaped parcel of land and has:

- a width of 40.710 m along Highridge Avenue;
- a depth of approximately 160 m; and,
- an area of 1.163 ha.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"RT-20" (Townhouse - Maisonette) District, modified
Surrounding Land Use		
to the north	Single Detached Dwellings and open space	"C" (Urban Protected Residential, etc.) District, modified, "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District and "A" (Agricultural) District
to the south	Located in the City of Stoney Creek - Apartment building and vacant lands	"RM5" Multiple Family-Five Zone and "GC" General Commercial Zone
to the east	Single Detached Dwellings and vacant land	"R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District) District and "G" (Neighbourhood Shopping Centre, etc.) District
to the west	Park and Recreational	"A" (Agricultural) District

Zoning Applications 74-08 and 91-18

There have been two zoning applications for the subject lands. Zoning Application 74-08 was for a change in zoning from "AA" District to "RT-20" District. The application was approved and the implementing By-law (By-law No. 76-161) was passed by Council on May 25, 1976.

In 1991, an application was made for a change in zoning to add two blocks of land to the lands previously rezoned to "RT-20" District in 1976 and to require a minimum setback of 7.5 m for any building or structure except a fence, from the "top of bank" along the westerly limits of the subject lands. In addition, an Official Plan Amendment was necessary to change the designation of the two blocks of land from "Open Space" to "Residential". Zoning Application 91-18 was approved by Council on April 28, 1992 and Official Plan Amendment No. 110 and Zoning By-law No. 92-286 were subsequently passed.

Site Plan Control Application 92-62

In 1994, Site Plan Control Application 92-62 was approved. The application was for a 45 unit, two storey, condominium townhouse development. Approval of the proposed draft plan of subdivision will necessitate a new site plan for the development of the proposed street townhouse blocks (see attached APPENDIX "C").

Subdivision Application 96-03

In 1996, an application was made for draft plan approval to subdivide the subject lands into 36 lots for street townhouses and to construct a public highway. The subdivision application was approved by City Council and the Region of Hamilton-Wentworth. This use was permitted under the "RT-20" Zoning and therefore a change in zoning was not required at that time.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The subject lands also abut "Hazard Lands" as such, policies A.3.1.1 and A.3.1.2 must be satisfied.

The subject lands has frontage on Bow Valley Drive at Highridge Avenue. Both roads are considered to be collector roads for the local roads in the Riverdale East Neighbourhood. It should be noted that policy D.2.5 i)a) of Subsection D.2 - Planning Units and Neighbourhood Plans states:

> "The preferred location for new Residential development or redevelopment will be:
>
> a) for multiple dwellings and high traffic generating uses beyond the Central Policy Area, at nodes created by the intersection of Arterial and Collector roads, with preference given to access by these roads;".

The proposed development would be located along a local street (Bow Valley Drive) and as such access to and from the site would be from the interior of the neighbourhood. As such, the proposal conflicts with the general intent of this policy.

In addition, Policy C.7.2 - Residential Environment and Housing Policy states that:

> "Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposed apartment buildings do not provide for a gradation of density as per Policy C.7.2 in that the apartment buildings would be adjacent to single detached dwellings. As such, the proposal conflicts with the general intent of Policy C.7.2.

As such, the proposal conflicts with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Attached Housing" on the approved Riverdale East Neighbourhood Plan. As such, the application conflicts with the approved neighbourhood plan. The proposed use is more consistent with the "Medium Density Apartments" designation and therefore a redesignation would be required to permit the proposed use.

COMMENTS FROM CIRCULATION:

- The Regional Environment Department, Planning Division advised:

  "REGIONAL COMMENTS: The subject lands are identified as "Urban Area" and adjacent to "Environmentally Significant Area (ESA) No. 51 - Stoney Creek Ravine", in the Hamilton-Wentworth Official Plan (H.W.O.P.).

  On January 24, 1996, a draft plan (Regional File No. 25T-95020) was approved by the Regional Commissioner of Planning and Development, to develop the subject lands for 36 lots of street townhouses. This proposed apartment development would require a revision to the draft approved plan of subdivision and/or submission of a new condominium plan.

  Also, Policy C-1.1.1.2b of the H.W.O.P. states that proposed land use changes within or adjacent to an ESA will be referred to the Environmentally Significant Areas Impact Evaluation Group (E.S.A.I.G.) for review, and will advise Regional Environment Department staff on whether the proposal adversely affects the ESA, according to certain criteria outlined under Policy C-1.1.2a.

  However, since this site has been approved for development as noted above, and the proposed building envelope and setbacks from the top of bank of this proposal coincides with the pervious building envelopes and setbacks, review by ESAIG is not considered necessary, provided the development is subject to the following conditions:

  i) grading and drainage plans for the new proposal is reviewed and endorsed by the Hamilton Region Conservation Authority, with respect to potential impacts on the adjacent ESA.

  ii) no healthy trees are removed along the westerly top of bank.

  iii) ravine/slope along the westerly lot line os not disturbed during or after construction.

iv) construction silt fencing is installed along the westerly property line to prevent sediment erosion into the ESA area.

It should be noted that the loading area should also maintain the required minimum setback from the top of bank, along with other relevant conditions as stipulated by the Hamilton Regional Conservation Authority.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Hamilton Region Conservation Authority advised:

"The western portion of the subject property is located within the regulated area associated with Stoney Creek. As such, this area is subject to Ontario Regulation 151/90, the Fill, Conservation and Alteration to Waterways Regulation of the Hamilton Region Conservation Authority. Any proposal to place or remove fill material, alter existing grades, erect a structure of alter a waterway within the regulated ware will require a permit issued by this agency, pursuant to said regulation.

The subject property is located adjacent to the Stoney Creek Ravine Environmentally Significant Area (E.S.A.). The Region of Hamilton-Wentworth has designated the ravine as environmentally sensitive, Development of this area may have negative impact on the natural features of the E.S.A. and will be subject to the Environmental Policies of the Hamilton-Wentworth Official Plan.

The applicant proposes to develop two four storey condominiums on the subject property immediately to the east of the Stoney Creek Ravine. The property has been dealt with previously by the Authority as subdivision file 25T-95020. As part of this process, the top of bank has been identified by the Authority and surveyed. The Authority requested a 7.62 metre (25 ft) building setback from the identified top of bank and that the lands beyond the surveyed top of bank be conveyed to a public agency, ideally the City of Hamilton.

Those concerns remain valid for application ZAC-97-01. In this regard, the surveyed top of bank as illustrated on the subdivision plans and the 7.62 metre building setback from the top of bank should be incorporated into the proposed zoning by-law. Further, the lands below the identified top of bank should be zoned as open space. These lands should be conveyed to a public agency, ideally the City of Hamilton.

Based on the above, staff of the Hamilton Region Conservation Authority have no objection to the approval of the above noted application, subject to the following conditions:

1) That the lands below the surveyed top of bank be zoned as open space.

2) That the 7.62 metre (25ft) building setback from identified top of bank be incorporated in the zoning by-law.

3) That the identified top of bank be shown on all site plans and incorporated into the zoning by-law.

4) That the applicant comply with the Environmental Policies of the Region of Hamilton-Wentworth Official Plan.

5) That the applicant comply with the requirements of Ontario Regulation 151/90."

- The Regional Environment Department has submitted the following comments:

"... we advise that there are public watermains and separate storm and sanitary sewers available to service the subject lands.

The Region's Transportation Department, Roads Division, have the following comments

1. Highridge Avenue and Bow Valley Drive are both established at 20.12 m. Therefore, we do not anticipate any further road allowance widenings at this time.

2. We recommend that the subject lands be developed through site plan control at which time more detailed comments on access, motorists sightlines, daylight visibility triangles, 5m fence setbacks from the street lines, etc. will be submitted. The site plan submitted with the application will require revisions and the access changed to ensure that sightlines are maintained and that motorists on the street are aware that this is a private entrance and not an extension of the municipal street. The applicant may which to discuss this further with our staff and staff of the City of Hamilton Department of Public Works and Traffic.

3. In the absence of any details shown, any works which occur within the adjacent road allowance must conform to the City of Hamilton Streets By-law."

- The Traffic Division advised that:

"The present zoning for this property allows for the development of 36 street townhouses. The projected traffic generation for this proposal is 22 trips in the morning peak hour and 29 trips in the afternoon peak hour. The proposed 92-unit condominium development would generate 48 trips in the morning peak hour and 61 trips in the afternoon peak hour. The majority of traffic would utilize the Donn Avenue and Queenston Road intersection. We have had numerous requests to signalize this intersection in the past, however, traffic

volumes have not yet warranted signalization. The proposed 92-unit condominium would not generate sufficient traffic volumes to meet traffic signal warrants.

The zoning application included a preliminary site plan on which we have identified numerous concerns. The site lines for vehicles exiting the driveways must be reviewed to ensure that standards are maintained. The loading spaces must be relocated to provide proper truck manouvering. The location, type and size of the access to Bow Valley must be reviewed. All aisle-ways must be a minimum of 6.0 metres."

- The Building Department advised that:

"1. The height and the elevation of the proposed buildings are required in order to calculate the minimum required front, side and rear yards and the minimum required distances between the proposed buildings.

2. The front lot line is parallel to Highridge Avenue.

3. Dimensions of the property are not included on the plot plan.

4. Every building or structure, except a fence, shall be set back not less than 7.5m from the "top of bank" along the west limit as required by amending By-law 92-286.

5. The minimum landscaped area must be 25% of the area of the lot.

6. The two (2) required loading spaces shall each have minimum dimensions of 18.0m x 3.7m x 4.3m high.

7. The parking area abutting Bow Valley Drive is located within 3.0, from the abutting C/S-487a residential district to the north and must be a minimum 6.0m from the street line. This will reduce the number of spaces provided.

8. The parking area as mentioned in #7 is not the required 1.5m from the abutting residential "A" Zoning District to the west.

9. No part of the required parking areas shall be located in the required front yard.

10. The access driveway off of Highridge Avenue does not provide the required 3.0m minimum setback from the abutting R-2 Zoning District to the east.

11. The visitors' parking area shall be legibly indicated.

12. Bumpers or wheel barriers are required to be provided.

NOTE: If the dashed line between the two buildings is for future severance purposes, the building to the rear of the property line will not abut upon a public highway. All other requirements, such as landscaping, setback requirements, maximum gross floor area ratio, lot width and area and all other requirements of the Zoning By-law must be complied with."

- The City of Stoney Creek has advised that they have "no objection to the approval of the proposed Zoning By-law amendment".

COMMENTS:

1. The application conflicts with the intent of the Official Plan in that:

   a) the proposed apartment buildings do not provide for a gradation of density as per Policy C.7.2 in that the apartment buildings would be adjacent to single detached dwellings; and,

   b) policy D.2.5 i)a) of Subsection D.2 - Planning Units and Neighbourhood Plans states that the preferred location for multiple dwellings is at nodes centred at the intersection of arterial and collector roads;

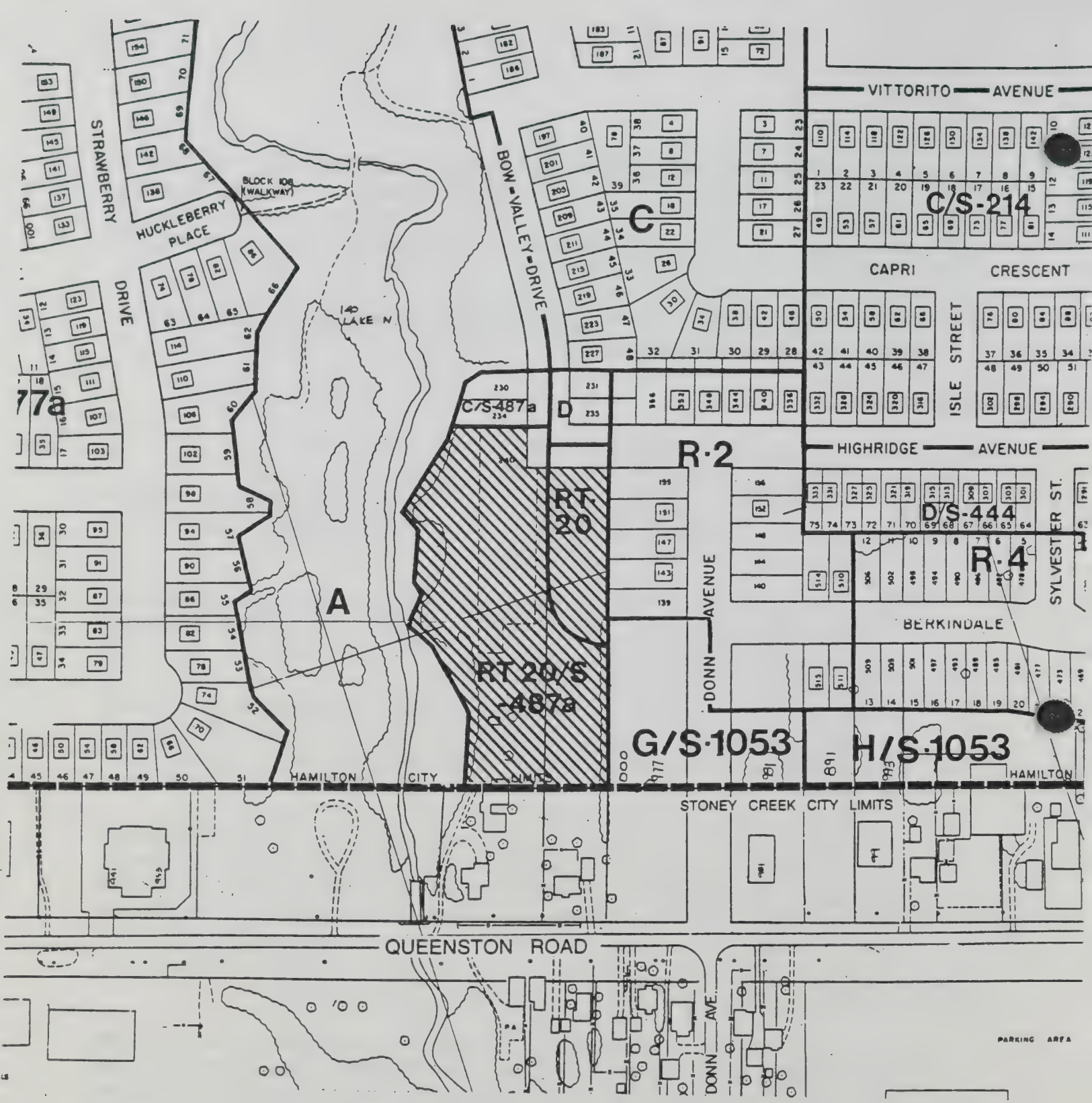
2. It conflicts with the approved Neighbourhood Plan in that the subject lands are designated "Attached Housing" on the approved Riverdale East Neighbourhood Plan. The proposed use is consistent with the "Medium Density Apartments" designation. The preferred location for multiple family dwellings is at the intersection of arterial and collector roads.

   The proposed apartment buildings would have vehicular access onto the local road network. The preferred location for multiple family dwellings is at the intersection of arterial and collector roads. It is noted that in the original Riverdale East Neighbourhood Plan, the subject lands were designated for "Medium Density Apartments" but that the subject lands had direct access to Donn Avenue. As a result of neighbourhood plan changes, including those initiated by the previous owners of the subject lands, the road connection was removed.

3. The Traffic Division has advised that 96 apartment units would generate 48 trips in the morning peak hour and 61 trips in the afternoon peak hour. This is compared to the existing draft approved 36 unit townhouse development that would generate 22 trips in the morning peak hour and 29 trips in the afternoon peak hour. As such, the proposed apartment development would result in a 120% increase in morning peak hour trips and a 110% increase in afternoon peak hour trips. This is contrary to the general intent of the Official Plan which is to direct higher traffic generating uses to the periphery of the neighbourhood and that said uses be located along arterial roads.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

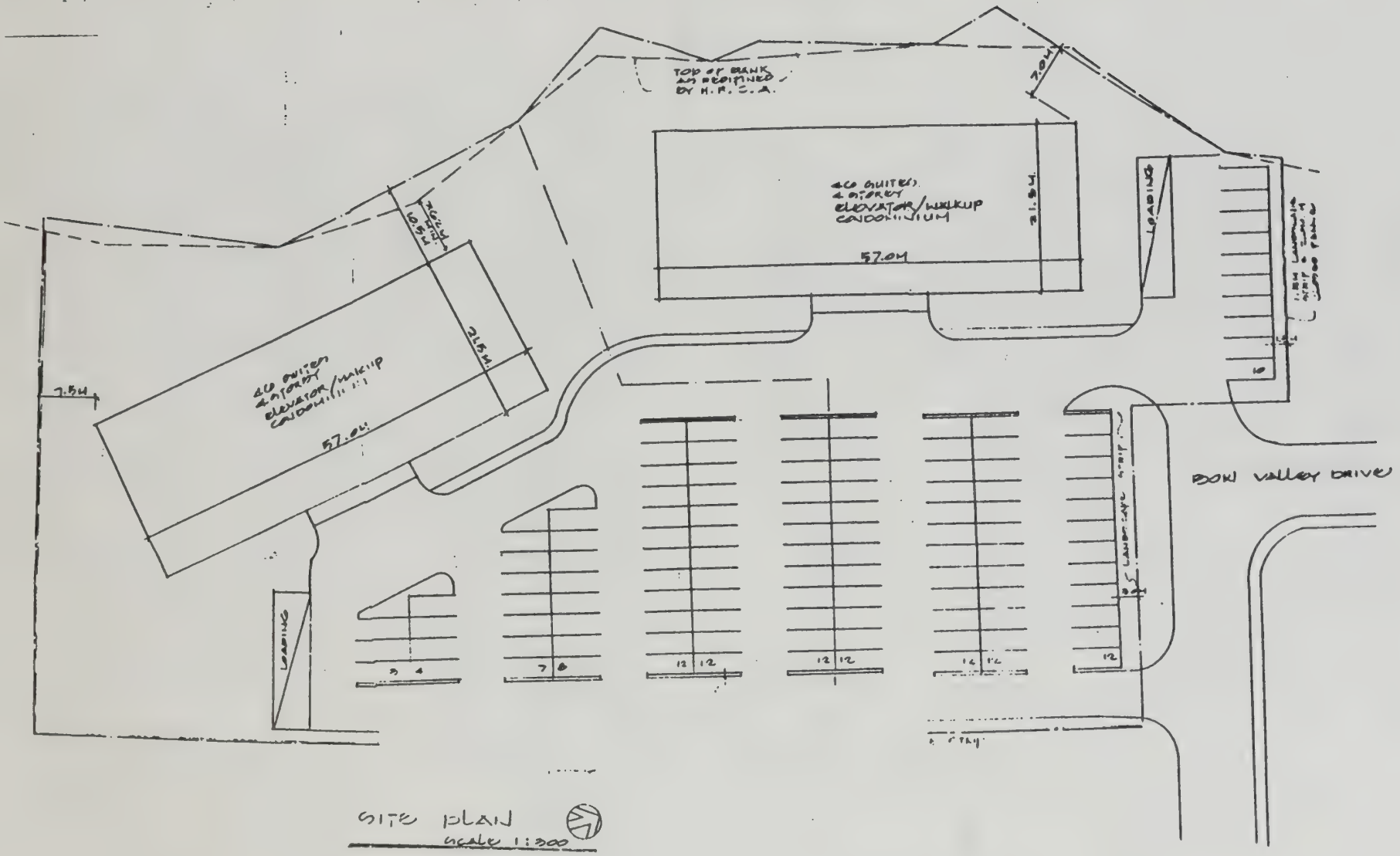


Legend

Site of the Application

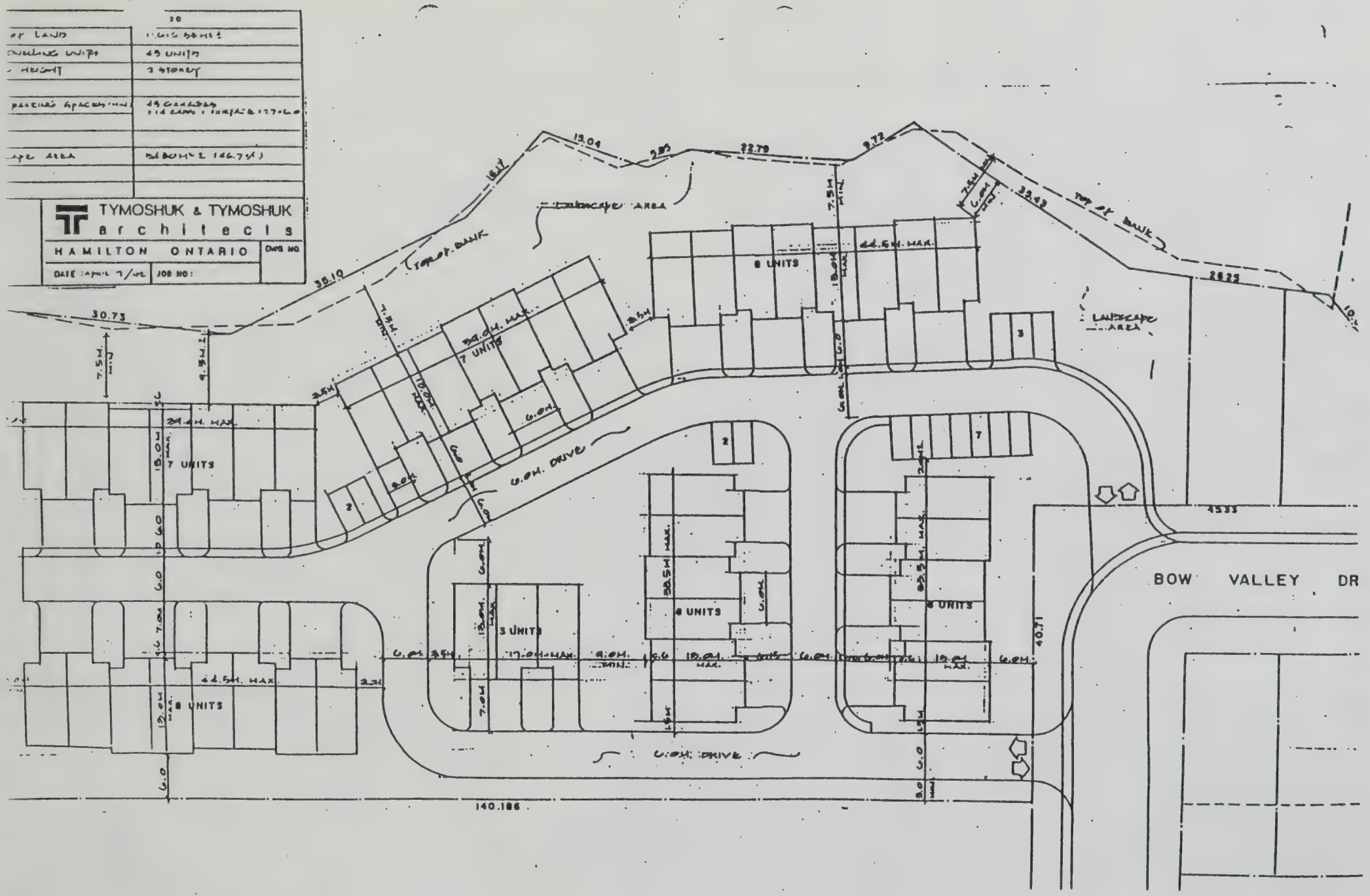
ZAC-97-01

APPENDIX "A"



SITE PLAN
SCALE 1:300

APPENDIX "B"


TYMOSHUK & TYMOSHUK
architects
HAMILTON ONTARIO
DWG NO.
DATE: April 7/82
JOB NO:
TOP OF BANK
LANDSCAPE AREA
7 UNITS
8 UNITS
3 UNITS
U.G.H. DRIVE
BOW VALLEY DR
140.186

APPENDIX "C"

5a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 10
DA-96-03 and ZAC-92-30
Mewburn Neighbourhood

REPORT TO: Tina Agnello, Secretary
of the Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Site Plan Control Application DA-96-03 and Zoning Application ZAC-92-30 for a temporary Garden Centre at 1468 -1478 Upper James Street.

RECOMMENDATIONS:

A. That approval be given to Site Plan Control Application DA-96-03 by Mr. and Mrs. E. Ciardullo, owners of lands known as 1468 and 1478 Upper James Street, as shown on the attached map marked as Appendix "A", for a temporary Garden Centre and residence, as shown as existing conditions on the submitted plan, and that registration of a Site Plan Agreement not be required; and,

B. That in regard to Zoning Application ZAC-92-30, the following resolution be forwarded to City Council for approval;

That Item 11.B. of the Nineteenth (1992) Report of the Planning and Development Department to City Council on 1992 November 10, respecting Zoning Application ZAC-92-30 by Mr. and Mrs. E. Ciardullo, for lands at 1468 and 1478 Upper James Street, as shown on the attached map marked as Appendix "B", be amended:

a) by deleting 11.B.(a), and replacing it with the following:

"That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, and the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified in accordance with Section 39 of the Planning Act, R.S.O. 1990, to permit the temporary use of the lands for a garden centre/nursery and related uses until February 28, 1999, subject to the special following provisions:

(i) That notwithstanding Sections 4(3)a , 7A(1) and 9.(1) of Zoning By-Law 6593, a garden centre and associated parking and an ancillary single family dwelling shall be permitted;

(ii) That notwithstanding Sections 7A(1) and 9.(1) of Zoning By-Law 6593, a business identification sign shall be permitted in accordance with the requirements of Section 13.(1)(xv) of Zoning By-Law 6593, and a ground sign shall be permitted in accordance with the requirements of paragraph two of Section 14A.(3)(a) of Zoning By-Law 6593;

(iii) That notwithstanding the provisions of Section 9(3)(ii) of Zoning By-law 6593, a southerly side yard of 0.0m is permitted for the accessory single family dwelling;

(iv) That notwithstanding the provisions of Section 18A (14a) of Zoning By-law No. 6593, parking may be provided in the required front yard and not less than 40% of the gross area of the front yard shall be used for landscaped area;

(v) That notwithstanding the provisions of Section 18A (26) of Zoning By-law 6593, the access driveway may be 0.0m from the southerly boundary line of Block "B";

(vi) A landscape strip having a minimum width of 1.5m shall be provided and maintained along the northerly boundary of Blocks "A" and "B";

(vii) That a minimum 6.0m wide landscape strip shall be provided and maintained along the westerly boundary of Block "A";

(viii) That a fence not less than 1.2m and not more than 2.0m in height shall be provided and maintained along the westerly and northerly boundary of Block "A"; and,

(ix) That Section 18A (30) of Zoning By-law 6593 shall not apply."

b) by adding a new clause 11.E as follows:

"That the temporary use and the temporary use by-law shall terminate on February 28, 1999."

Explanatory Note:

At its meeting of 1992 November 10, City Council approved Zoning Application ZAC-92-30 to modify the district regulations to permit a temporary garden centre and residence. In processing the Site Plan Control application, it has been determined that additional modifications are necessary to the by-law to recognize the existing site conditions and temporary nature of the development. These modifications include surfacing of parking areas, a single family dwelling with a commercial structure, landscape area, wall and ground signs, planting areas, setbacks and access driveway location.

The temporary use by-law shall terminate on February 28, 1999.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

Plans have been submitted for a temporary garden centre and residence at 1468 and 1478 Upper James Street, as shown on the attached map marked as Appendix "A". The existing structures and house will be demolished in the near future to make way for a new commercial plaza. In the interim, the proposed garden centre and related single family dwelling will occupy the site and carry on business until February 28, 1999 or prior to that date.

The Details of Development for the existing site are as follows:

- Net area involved: - 4,568.0 m^2
- Gross Floor Area-Residential- - 134.0 m^2
- -Commercial greenhouse - 127.5 m^2
- No. of parking spaces - 54
- Building Height - max. two and one half storeys, 11m (36.09ft.)

The existing site has gravel surfaced parking areas and driveways with plantings installed and on display for sale on the lot.

COMMENTS RECEIVED:

- The Regional Environment Department has advised in their attached comments marked as Appendix "B", that if the development is subject to Site Plan Control, the lands should be graded and drained in accordance with applicable standards and a road widening is required along Upper James Street. It is further noted that no drainage complaints related to the existing conditions of the property have been received.

- The Building Department has advised the following:

"1. ZAC-92-30 refers to Blocks A and B of Schedule A, however Schedule A illustrates Blocks 1 and 2.

2. The proposed use of the greenhouse is not permitted in either the "AA" District or the "C" District. Please be advised that the two greenhouses shown to be outside of the scope of this Development Agreement are not permitted uses either, as they are located within the "AA" District and this Department has no record of a building permit for either building.

3. The maximum height of a building in a "AA" or "C" District is not to exceed 2 1\2 storeys \ 11.0m.

4. As per Section 4(3)(a) of Zoning By-Law 6593, no building other than an accessory building shall be erected on any lot or tract of land on which a residential building has already been erected. The greenhouse is not an accessory building to the residential (single family dwelling) and is therefore not permitted.

5. The greenhouse must provide a minimum 10.5m setback to the westerly line of Block 1 of ZAC-92-30.

6. The single family dwelling must provide a minimum 4.5m setback to the southerly line of Block 2 of ZAC-92-30. Please note that part of the single family dwelling encroaches over the southerly lot development line.

7. One business identification wall sign is permitted in accordance with the requirements of Section 13(1)(xv) as per ZAC-92-30. The proposed ground sign is not permitted.

8. A planting strip not less than 6.0m in width consisting of ornamental shrubs and/or trees shall be provided along the westerly lot lines of Block 1 as per ZAC-92-30. Sodding of this area is not acceptable as per Section 2(2)(H)(via)of Zoning By-Law 6593.

9. A visual barrier not less than 1.2m and not more that 2.0m in height shall be provided along the westerly and northerly lot lines as per ZAC-92-30 and Section 18A(12)(c) of Zoning By-Law 6593. The visual barrier is not provided for along the northerly lot line.

10. A planting strip not less than 1.5m wide shall be provided along the northerly lot line.

11. No parking space shall be located in the required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel and pavers or similar materials as per Section 18(14a) of Zoning By-Law 6593.

12. The northerly access driveway conforms as shown. The centre driveway access must be at least 5.5m in width and shall be located at least 3.0m from the southerly line of the development. The centre driveway access does not conform as shown. The southerly driveway access falls outside of the Development Agreement area and is not applicable.

13. A permanent durable and dustless surface that is graded, drained and paved with concrete or asphalt shall be provided and maintained for every parking area, manoeuvring space and access driveway. The gravel area shown does not conform."

- The Traffic Division of the Department of Public Works and Traffic has advised that "we have reviewed this application and have no specific concerns with the existing conditions of the site. However, we are concerned about the precedent which approval of the current proposal sets."

COMMENTS:

The development of the lands has been the subject of Zoning Application ZAC-92-30 for a temporary garden centre. At its meeting of November 10,1992, the application was approved and included three special provisions to the proposed by-law. The approval further included "that the amending by-law not be forwarded for passage by City Council until such time as the owner applies for and receives Site Plan Approval."

The applicant has recently sold the property and the new owner is proceeding with a Zoning Application for a large scale commercial development. Under the terms of the sale, the garden centre business is permitted to remain on the property until February 28, 1999. The applicant has therefore requested that the existing site conditions be allowed and that the proposed by-law be amended to recognize the existing conditions.

In reviewing the details of the existing conditions, a number of by-law regulations must be modified to recognize and permit the temporary garden centre. These are as follows:

The Details of Development for the existing site are as follows:

- Net area involved: - 4,568.0 m^2
- Gross Floor Area-Residential- - 134.0 m^2
- -Commercial greenhouse - 127.5 m^2
- No. of parking spaces - 54
- Building Height - max. two and one half storeys, 11m (36.09ft.)

The existing site has gravel surfaced parking areas and driveways with plantings installed and on display for sale on the lot.

COMMENTS RECEIVED:

- The Regional Environment Department has advised in their attached comments marked as Appendix "B", that if the development is subject to Site Plan Control, the lands should be graded and drained in accordance with applicable standards and a road widening is required along Upper James Street. It is further noted that no drainage complaints related to the existing conditions of the property have been received.

- The Building Department has advised the following:

"1. ZAC-92-30 refers to Blocks A and B of Schedule A, however Schedule A illustrates Blocks 1 and 2.

2. The proposed use of the greenhouse is not permitted in either the "AA" District or the "C" District. Please be advised that the two greenhouses shown to be outside of the scope of this Development Agreement are not permitted uses either, as they are located within the "AA" District and this Department has no record of a building permit for either building.

3. The maximum height of a building in a "AA" or "C" District is not to exceed 2 1\2 storeys \ 11.0m.

4. As per Section 4(3)(a) of Zoning By-Law 6593, no building other than an accessory building shall be erected on any lot or tract of land on which a residential building has already been erected. The greenhouse is not an accessory building to the residential (single family dwelling) and is therefore not permitted.

5. The greenhouse must provide a minimum 10.5m setback to the westerly line of Block 1 of ZAC-92-30.

6. The single family dwelling must provide a minimum 4.5m setback to the southerly line of Block 2 of ZAC-92-30. Please note that part of the single family dwelling encroaches over the southerly lot development line.

7. One business identification wall sign is permitted in accordance with the requirements of Section 13(1)(xv) as per ZAC-92-30. The proposed ground sign is not permitted.

8. A planting strip not less than 6.0m in width consisting of ornamental shrubs and/or trees shall be provided along the westerly lot lines of Block 1 as per ZAC-92-30. Sodding of this area is not acceptable as per Section 2(2)(H)(via)of Zoning By-Law 6593.

9. A visual barrier not less than 1.2m and not more that 2.0m in height shall be provided along the westerly and northerly lot lines as per ZAC-92-30 and Section 18A(12)(c) of Zoning By-Law 6593. The visual barrier is not provided for along the northerly lot line.

10. A planting strip not less than 1.5m wide shall be provided along the northerly lot line.

11. No parking space shall be located in the required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel and pavers or similar materials as per Section 18(14a) of Zoning By-Law 6593.

12. The northerly access driveway conforms as shown. The centre driveway access must be at least 5.5m in width and shall be located at least 3.0m from the southerly line of the development. The centre driveway access does not conform as shown. The southerly driveway access falls outside of the Development Agreement area and is not applicable.

13. A permanent durable and dustless surface that is graded, drained and paved with concrete or asphalt shall be provided and maintained for every parking area, manoeuvring space and access driveway. The gravel area shown does not conform."

- The Traffic Division of the Department of Public Works and Traffic has advised that "we have reviewed this application and have no specific concerns with the existing conditions of the site. However, we are concerned about the precedent which approval of the current proposal sets."

COMMENTS:

The development of the lands has been the subject of Zoning Application ZAC-92-30 for a temporary garden centre. At its meeting of November 10,1992, the application was approved and included three special provisions to the proposed by-law. The approval further included "that the amending by-law not be forwarded for passage by City Council until such time as the owner applies for and receives Site Plan Approval."

The applicant has recently sold the property and the new owner is proceeding with a Zoning Application for a large scale commercial development. Under the terms of the sale, the garden centre business is permitted to remain on the property until February 28, 1999. The applicant has therefore requested that the existing site conditions be allowed and that the proposed by-law be amended to recognize the existing conditions.

In reviewing the details of the existing conditions, a number of by-law regulations must be modified to recognize and permit the temporary garden centre. These are as follows:

(i) to allow a temporary garden centre, associated parking and an ancillary single family dwelling unit, whereas even the greenhouse and associated parking are not permitted;

(ii) to allow a business identification wall sign in accordance with the "G" District, and a ground sign accordance with the requirements of "HH" District, whereas signs are not permitted;

(iii) to allow a southerly side yard of 0.0m for the accessory single family dwelling, whereas 4.5m is required;

(iv) to allow parking in the required front yard and not less than 40% of the gross area of the front yard for landscaped area, whereas no parking is permitted in the required front yard and 50% must be landscaping;

(v) to allow the access driveway to be located 0.0m from the southerly boundary line, whereas 3.0m is required;

(vi) to require a landscape strip of 1.5m wide along the northerly boundary adjacent to the permitted parking spaces;

(vii) to require a minimum 6.0m wide landscape strip along the westerly boundary of Block "A", to establish a landscape buffer to future adjacent uses;

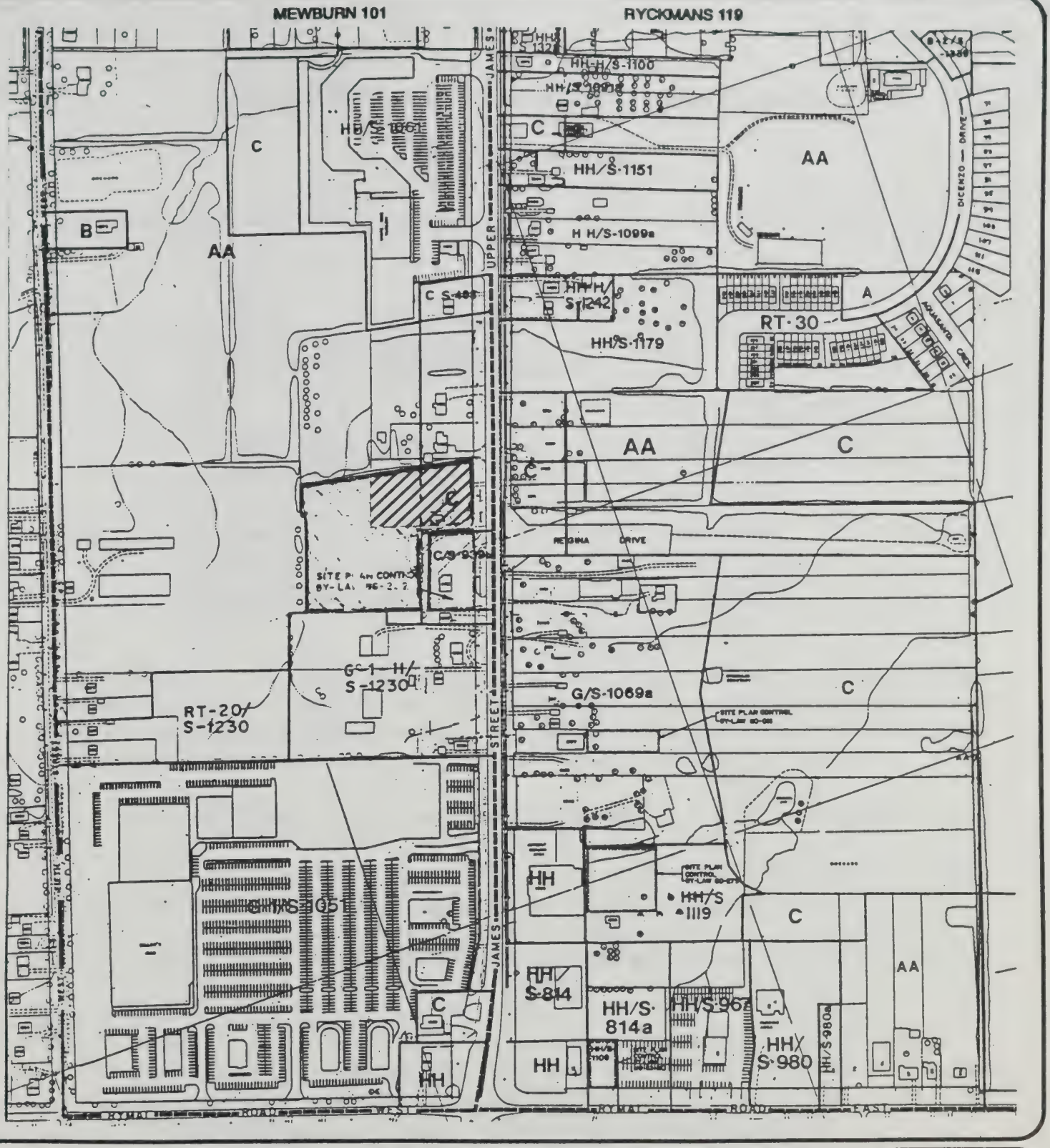
(viii) to require a fence, not less than 1.2m and not more than 2.0m in height along the westerly and northerly boundary of Block "A", whereas a visual barrier is required adjacent to parking spaces; and,

(ix) to allow the existing gravel surfacing of the parking and driveway areas, whereas asphalt or concrete hard surfacing is required.

Since the garden centre has been in operation as a temporary facility and the existing conditions or drainage of the lands do not appear to have any negative impact to the area, or adjacent properties, the plan showing the existing conditions should be approved and permitted to be retained until the expiry date of February 28, 1999.

At its meeting of 1992 November 10, City Council approved Zoning Application ZAC-92-30 to modify the district regulations to permit the temporary garden centre and residence. To recognize the existing site conditions and temporary nature of the development, the proposed by-law must incorporate these variances as previously described.

The temporary use and the temporary use by-law designation shall terminate on February 28, 1999.



City of Hamilton

Plan Showing Lands Subject to Site plan Control

Application DA-96-03

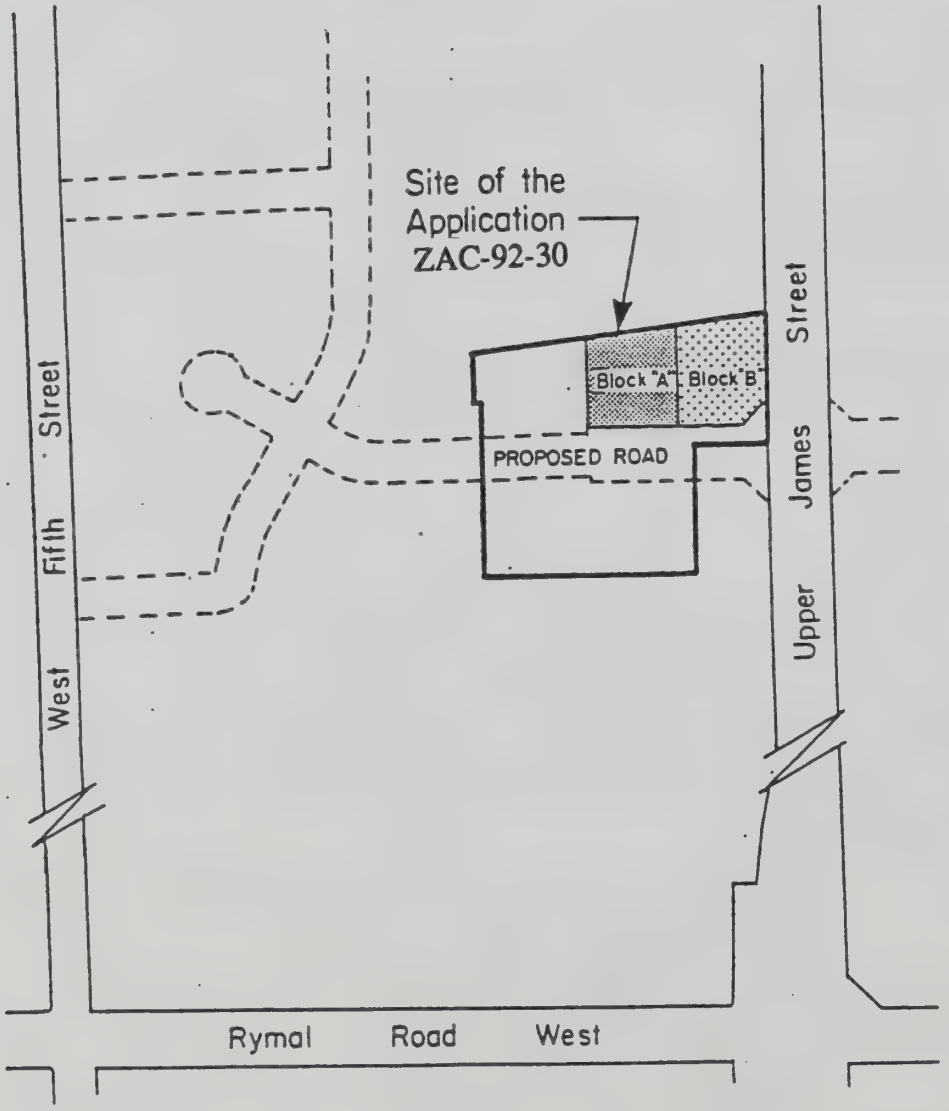
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-96-03
	Date	Drawn By
	MAY 1996	F.A.

Appendix "B"



Legend

Block "A"

Block "B"

Proposed Modification to the established "AA" (Agricultural) District Regualtions

Proposed Modification to the established "C" (Urban Protected Residential, etc.) District Regulations

REGIONAL ENVIRONMENT DEPARTMENT

MEMORANDUM

****

TO: J. Sakala
Senior Landscape Architect
Planning and Development Department

YOUR FILE: DA-96-03
ZAC-92-30
JPS

FROM: C. A. Unelli
Development Co-ordinator
Regional Environment Department

OUR FILE: E220-1303
PHONE: (905) 546-4142

SUBJECT: **Site Plan Control Application**
DA-96-03 for 1468 to 1478
Upper James Street

DATE: 1997 March 11

With respect to your memo dated February 12, 1997 regarding the above noted site plan development please be advised that if the subject lands are to remain under site plan control our previous grading comments, dated June 5, 1996, are still applicable. These comments are repeated below for your convenience.

(1) The title of the plan submitted should reflect that it is also the grading plan.

(2) Please show a notation on the plan as to how the roof leaders from the existing buildings discharge, either directly to the storm sewers or overland.

(3) Our calculations indicate that a minimum of 5 catch basins are required to service the site.

If the applicant wishes to utilize fewer catch basins and/or discharge the roof leaders from the existing/proposed buildings overland, we will require a storm water management report prepared by a qualified engineer, showing how the drainage will be dealt with on the site with no impacts on the abutting properties.

Cont'd...

Site Plan Control Application
DA-96-03 for 1468 to 1478
Upper James Street (cont'd)

(4) Based on the information provided the area under development drains onto the adjacent lands to the north, portions of the lands to the south and onto the Upper James Street road allowance. As this is not permitted the plans should be modified accordingly to maintain the drainage within the site.

The applicant/owner must also ensure that drainage entering onto the site from the adjacent lands is not blocked as a result of any modifications that have either been made or are proposed.

(5) The standard note "Notes on Grading Plan" should be placed on the plan. A copy of these notes are attached for your information. Please note the new reference to the Commissioner, Regional Environment Department".

(6) Existing/proposed elevations should be provided at a 15 m interval along the as widened road allowance of Upper James Street. These elevations should be set approximately equal to the existing perpendicular centreline road elevations of Upper James Street.

Proposed elevations should also be provided at a 15 m interval where proposed works are occurring.

(7) Entrance elevations along the as widened road allowance limits of Upper James Street should be approximately equal to the existing perpendicular centreline road elevation of Upper James Street.

(8) The Greenhouse shown on the plan should be labelled as either existing or proposed.

(9) Existing elevations should be shown at a 15 m interval along the south and west boundaries of the area being developed.

(10) The grading plan submitted indicates a 6.0 m landscape strip along the rear portion of the property being developed. Please indicate on the plans if this landscape strip is existing or proposed.

Cont'd...

Site Plan Control Application
DA-96-03 for 1468 to 1478
Upper James Street (cont'd)

(11) The survey plan submitted with the application indicates additional existing elevations to the west and south of the lands being developed. Please show these elevations on the grading plan.

(12) Based on the information submitted it is unclear as to the function of the retaining wall adjacent to the south side of the lands under development. Please clarify by providing additional top and bottom of wall elevations.

(13) The plans submitted indicate that a portion of the site to the south and west is not currently being developed. The applicant/owner must ensure that no ponding occurs on this portion of the property and any grading works necessary to prevent ponding must be undertaken. A note to this effect should be placed on the plan.

The applicant/owner should be advised that modifications to the existing sewer or water systems on the site will require the submission of servicing drawings to the Region's Roads Department for review prior to sewer and water permits being issued.

(end of June 5, 1996 grading comments)

For your information it should be noted that to date we have not received any drainage complaints related to the current existing condition of the property.

As per our previous zoning comments for ZAC-92-30 there are public watermains and separate storm and sanitary sewers available to service the subject lands.

Cont'd...

Site Plan Control Application
DA-96-03 for 1468 to 1478
Upper James Street (cont'd)

The following comments were received from the Regional Transportation Department, Roads Division.

(1) The designated road allowance width of this section of Upper James Street is 36.58 m. In accordance with this designation, road widenings are required to establish the property line 18.29 m from the centreline of the original Upper James Street road allowance. Further, as noted in our comments under Zoning Application 92-30, a portion of the applicants lands are required for the establishment of the mid-block collector street and the required daylight triangles at its intersection at Upper James Street. We understand that the zoning approval has been amended to exclude those lands required for the mid-block collector street and that the Planning and Development Committee in considering the Zoning Application, agreed to exclude the requirement for the "road allowance designate".

The 3.048 m road allowance widening of Upper James Street does not appear to have been excluded in the Committee's recommendation. However in reviewing the site plan submitted, it appears that the buildings for the temporary garden centre/nursery use are already in place and that the only change will be a clearer definition of the existing uses of the property with respect to plant display areas, parking, etc. It has also been brought to our attention that permits were never issued for the existing greenhouses and that the existing buildings contravene the Zoning By-law. Although the applicant is not intending to increase the existing floor area, if the application for the construction of the greenhouses were submitted today, under current Regional Council Policy, we would recommend that as a condition of approval, that the 3.048 m road widening be dedicated to the Region for road widening purposes. Regional Council Policy states that upon application of an owner of a property adjacent to a Regional Road for approval to develop or redevelop the property it is a requirement of Regional Council that sufficient land be dedicated to the Region for road widening purposes to establish the designated right-of-way adjacent to the property. Should the Committee consider this development to be a redevelopment of the subject lands warranting the dedication of the 3.048 m road widening on Upper James Street to the Region, we recommend that this road widening dedication be a condition of site plan approval. The zoning setbacks should be then be taken from the widened limits of Upper James Street and the site plans revised accordingly.

Cont'd...

Site Plan Control Application
DA-96-03 for 1468 to 1478
Upper James Street (cont'd)

(2) We require 5 m by 5 m daylight triangles between the accesses and the Upper James road allowance limits in which the maximum height of any objects or mature vegetation is not to exceed 0.60 m above the corresponding perpendicular centreline elevation of Upper James Street.

(3) Any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

If there are any queries regarding the Roads Division comments, please contact Mr. H. Groen at 546-2434. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to grading and drainage issues.

Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW/HG
DWW

5b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 15
(4331)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: City Initiative to Remove "Waste Processing" from the "K" (Heavy Industrial, etc) District

RECOMMENDATION:

That the Planning and Development Department be requested to consider undertaking a review of the industrial uses in the "K" (Heavy Industrial, etc.) District once the Official Plan review is completed and this study should be included in a future work program.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This future study would be considered as part of a future work program and therefore would be accommodated within the existing staff complement. However, should the Committee approve the study to be undertaken immediately, there will be delays to existing work priorities (i.e. Neighbourhood Plans, Official Plan review, etc.)

BACKGROUND:

The Planning and Development Committee, at its meeting of April 2, 1997, requested the

> "The Director of Planning to report back to the Committee on the impact on departmental priorities and work schedules of conducting a study on the proposal to remove " waste processing from all "K" zoning in the City of Hamilton."

This project resulted from a request by Warren Davies, on behalf of area residents concerning the "K" District in the Frid/Chatham Street area. The immediate concern was the property at 97 Frid where the owner will be processing waste material.

- Applicable Planning Information

  For the information of the Committee, the lands that are zoned "K" (Heavy Industrial, etc) District are designated INDUSTRIAL or UTILITIES in the Official Plan. In certain areas of the City, (Frid/Chatham area, Burlington street in the area of Wellington and Wentworth), the lands are also designated SPECIAL POLICY AREA 11. The intent of SPA 11 is to **encourage** lighter industrial uses to locate within these areas. However, it should be noted, it is only an encouragement clause since the zoning is already in place.

  Where applicable, the "K" zoned lands are identified as Industrial or Utilities in the Neighbourhood Plan, where ones exist.

  For the information of the Committee, in 1983, the City proposed to delete a number of uses from the "J" (Light and Limited Heavy Industrial, etc) District for the lands in the Keith Neighbourhood. The OMB did not approve the removal of these uses for the following reasons:

  1) the uses, as defined in the zoning by-law, are too broad, and therefore, may remove uses that are not hazardous or retain other uses that may have a more negative impact;
  2) the potential devaluation of the industrial land values; and,
  3) potential erosion of the City of Hamilton's industrial base.

  In addition, existing industries strongly objected to any downzoning.

- Building Information

  For the information of the Committee, the Building Department has indicated that:

  > "1. The recycling process of waste products has been established as a permitted use since 1993 (at 97 Frid Street).

2. The continued operation of recycling waste products is permitted.

3. If the zoning is amended so as not to permit recycling of waste products, the continued operation of recycling of waste products may continue and is considered a non-conforming use".

STUDY DESIGN:

As noted from the Building Department comments, the removal of this use will not affect the recycling operation at 97 Frid Street.

However, should the Committee wish to pursue the removal of this use and other industrial uses, then the following two land use options are outlined below.

- Option 1 - Removal Waste Processing Use in "K" District

The following steps are required to undertake as part of the City Initiative to remove "waste processing" as a permitted use from the "K" District.

1) Liaise with other Department and Agencies (i.e. Health Department, MOEE, etc) to identify performance standards respecting issues such as noise, fumes, hazards, etc.).

2) Develop land use options for the "K" District and other zoning districts "J" (Light and Limited Heavy Industrial, etc) District.

3) Analysis and identification of appropriate land use options.

4) Hold public meetings with affected industrial areas and area residents.

The study is expected to take six to nine months (lapse time) to complete.

- Option 2 - Review of Industrial Uses in the "K" District

For the information of the Committee, there are other industrial uses within the "K" District that have would likely have a greater impact on residential uses than waste processing. From a planning perspective, it is more desirable to analyze the uses in the "K" District on a comprehensive basis rather than single use issue.

The following steps are required to undertaken as part of the City Initiative to review the

permitted uses in the "K" District.

1) Identification of industrial uses and the type of negative impacts on sensitive land uses.

2) Liaise with other Department and Agencies (i.e. Health department, MOEE, etc) to identify performance standards respecting issues such as noise, fumes, hazards, etc)

3) Identify appropriate performance standards for these uses. These standards may not be the same from one use to another.

4) Develop land use options for the "K" District and other zoning districts "J" (light Limited heavy Industrial, etc) District; "KK" (Restricted Heavy Industrial) District, if applicable.

5) Analysis and identification of appropriate land use options.

6) Hold public meetings with affected industrial areas and area residents.

The study is expected to take approximately twelve months (lapse time) to complete.

As with most planning studies, there is an extensive public participation process which includes public information meetings, open houses, etc. Past experiences with the Keith and Normanhurst neighbourhoods indicated this maybe likely to occur.

IMPACT ON EXISTING WORK PROGRAM

Given the existing staff complement in the development and policy sections, this project cannot be completed with the existing projects identified in the 1997 Work program (see APPENDIX "A"). The most likely impact is the delay in the completion of existing neighbourhood plans between two and four months, as well as the delay in starting on other areas. Another project that could be delayed is the completion of the Official Plan; however, this is a major departmental priority and it forms the basis of future planning direction, particularly as it relates to the downtown.

The mandatory projects include all applications that have statutory requirements. These include Official Plan Amendments, Zoning Applications, Site Plan Applications, Subdivision, Part Lot Control, OMB Hearings, comments on severance and Committee of Adjustment Applications and cannot be delayed.

In addition, the Department is undertaking the Official Plan review, which amongst others is examining the rationale and locations of SPECIAL POLICY AREA 11 (SPA 11). Until such time as the OP review is complete, it would be premature to discuss the relevance of SPA 11 in todays planning environment.

CONCLUSION:

Based on the planning rationale, staff complement and the existing projects, it would be appropriate to consider this **Option 2** as a project in a future work program, once the Official Plan Review is completed.

JHE/BJ

APPENDIX "A"

WORK PROGRAM
PLANNING AND DEVELOPMENT DEPARTMENT - PLANNING STUDIES

Projects in bold type are ones that would be delayed as a result of undertaking the study this year.

Priority Projects		Status/Completion Date
1)	**Official Plan Review**	**On-going**
2)	**Current Neighbourhood Plans**	
	- **Corktown**	**Summer**
	- **Stinson**	**Fall**
	- **Central**	**Summer**
	Future Neighbourhood Plans	
	- **Parkview East/West**	
	- Gibson/Blakley	
	- North End East/West	
	- Downtown	
	- Lansdale	
	- Kirkendall North and South	
3)	**Downtown Initiatives**	**On-going**
4)	**Watershed Planning (Redhill Creek, Spencer, Planning Network)**	**On-going**
5)	**Windermere Basin Study**	**Summer, with likely additional follow-up work required**
6)	Retirement Homes Review	Fall/Winter
7)	Open Space and Park Zoning	Winter
8)	Gore Heritage Study	Fall

APPENDIX "A"

WORK PROGRAM
PLANNING AND DEVELOPMENT DEPARTMENT - PLANNING STUDIES

Projects in bold type are ones that could be delayed as a result of undertaking the study this year.

Priority Projects		Status/Completion Date
1)	**Official Plan Review**	**On-going**
2)	**Current Neighbourhood Plans**	
	- **Corktown**	**Summer**
	- **Stinson**	**Fall**
	- **Central**	**Summer**
	Future Neighbourhood Plans	
	- **Parkview East/West**	
	- Gibson/Blakley	
	- North End East/West	
	- Downtown	
	- Lansdale	
	- Kirkendall North and South	
3)	**Downtown Initiatives**	**On-going**
4)	**Watershed Planning (Redhill Creek, Spencer, Planning Network)**	**On-going**
5)	**Windermere Basin Study**	**Summer, with likely additional follow-up work required**
6)	Retirement Homes Review	Fall/Winter
7)	Open Space and Park Zoning	Winter
8)	Gore Heritage Study	Fall

Legislated Requirements (on-going)

9) Official Plan Amendments

10) Zoning Applications

11) Subdivision and Part Lot Control Applications

12) Site Plan Control Applications

13) Rental Housing Protection Act

14) Condominium Applications

15) Comments on Committee of Adjustment/Land severance

16) Heritage Permits

Copies TO: V. Abraham
P Nat Johnson
L. King

6.

WILLIAM M. McCULLOCH

CITY COUNCIL

CITY HALL
71 MAIN STREET WEST L8N 3T4
(905) 546-2730

FAX: (905) 546-2535

HOME
17 ROBINSON STREET (P6) L8P 1Y6
(905) 525-6647

1997 April 11

Aldermen & Members of the Planning and Development Committee,

CASINO ZONING - DOWNTOWN

As you will recall, the original area recommended by staff was Queen on the west, and Wellington on the east. We agreed on York/Wilson on the north and Jackson on the south after some easy deliberations.

With regard to Queen and Wellington the Committee agreed to bring it to Bay (west) and Mary/Walnut (east). At that time the representative of the International Village, when asked, indicated that the BIA did not want the area from Mary to Wellington to be included because they wished to encourage more residential uses, so the area was omitted.

Subsequent, at City Council, it was agreed to extend the zone to include Bay/King/Caroline/Market since there was a viable property owner in that area who was applying for a license.

This morning, I received the attached letter from the Vice Chairman of the International Village BIA. I am requesting the Secretary to put the item on the agenda so Mr. Lewis and/or the International Village BIA can indicate the areas they would like to have designated for a casino.

Sincerely,

William M. McCulloch
Alderman, Ward 2

WM:jc

Attach.

Hamilton's
INTERNATIONAL
Village
Business Improvement Area

King St. E.
between
Wellington
& Mary

Box 91220 Effort Sq. P.O.
Hamilton, Ontario L8N 4G4

April 10th, 1997

William McCulloch
Alderman, Ward 2
City of Hamilton
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Dear Alderman McCulloch:

Further to my conversation with you of yesterday and our Executive Director's of today, we would bring the following to your attention.

You and other members of Council are in receipt of a letter dated April 4th, 1997 (received by us on April 8th) from Mr. Ross Lewis, President, A.S.A.P. Holdings Ltd. with regards to his properties within our designated boundaries.

As well as owning properties, Mr. Lewis is also the proprietor of a business within our commercial area. As such, we support his efforts on "being part of the bid process" for the licensed charity casino.

As a member of the Planning and Development Committee, we ask that you bring this matter to the attention of the Committee as it's next meeting.

As always, thank you for your support.

Sincerely,

INTERNATIONAL VILLAGE BIA

G.W. Thompson

Gordon Thompson
Vice Chair.
cc: -Mr. Ross D. Lewis
President, A.S.A.P. Holdings
-Alderman Vince Agro, Ward 2

APR 15 1997 4/15

6a

a.s.a.p. holdings limited.

Head office: 50 Wellington street north
Fax 905 528 6645
Phone 905 524 1510
Hamilton, Ontario,
Canada.

L - c/s to Jues + c.c.

APR 10 1997

April 9, 1997

Attention: Mayor R. (Bob) Morrow

Ref: City Council passing of Zoning By-law eliminating properties from the Charity Casino tender process (unofficially of course).

This is a follow up to the brief letter delivered to your office last Friday, sent in my absence as I was detained on business in another city.

Notwithstanding, that I heard Mr. V. Agro's lone voice, during his reasonable and logical attempt to have the boundaries including Wellington Street in the easterly sector of the Core recognized in the proposed by-law/change (as recommended by the staff members);

I request your advice in relation to the following, and out of sheer frustration, and it is with utter disdain that I communicate this brief letter to you and the other persons you may wish to copy.

I am left confused and therefore, I ask, (not in any order):

"what is going on in this city, at council level, to eliminate the rapidly deteriorating central district?" (formerly downtown?)

"why are elected individuals allowed to espouse remarks that are more self satisfying than realistic, whenever it suits their respective position?

i.e. Is our Mayor and the members of council so unfamiliar with the blocks within the Mary to Wellington and Main to King

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 April 16.

1/

William Streets, that vague remarks/spin regarding locations of schools and high (?) density residential are allowed to go unchallenged and remain on the record;

Residential areas within the reduced geographic boundaries, were dismissed ? (Century 21, Effort Square apartments, Former Piggott Building to name a few):

Which "business people" did Mr McCullouch speak to for advice (as he referenced in his argument), as you may assume, based on our letter of last Friday, it did not include us ?

Were these remarks intended to confirm or to ensure the properties east of Mary Street would/should be eliminated from the race/tender process, by eliminating subject blocks?

What right does Mr McCullouch, or any other elected official have to once again change the rules/location of the games/gaming?

Is the Downtown, still Downtown? Please advise where it is?

It apparently isn't in the International Village (Mary to Wellington), or is it, but, only when convenient?

I have been a life long resident in Hamilton, and thought I knew where the Downtown is, however, I keep hearing/learning it is not where I thought it was.

Is it wherever suits the situation, depending on which party has made successful representation to representatives of the day, to assist in reducing competition for the very few public space and /or buildings requirements?

Where will The Downtown CORE be next month (after the Charity Casino tender date of April 25th) deadline has gone by?

Where is it for the tax assessors?

I know we do not have to guess about the area west of James, or King and James, Gore Park (HSR parking lot), Jackson Square,

Commerce Court, new Court House (post office), Mary Street between King and ? (going north because you cannot go South from Mary St).

John Street and Main streets, most definitely can now be defined in the Downtown owing to the new private barriers erected for sidewalk cafes, located right on the sidewalk ensuring any pedestrian traffic has to wait to pass if there happens to be more than 2 of them going in opposite directions at the same time, of course this was allowed previously on King St (both sides east of James), so it must be alright.

It seems to me that several of our civic leaders are more historically oriented than futuristic;

thus, the idea that our Downtown will be full of people (at Gore Park) as shown in our newspapers but only, it appears, at the end of every Great War; (hopefully that will never happen again), and if and when the much loved TiCats win a Grey up again, and all we have to do is wait; and wait. And wait.....

Why do we have so many parking lots, if the area is not Downtown? Is the police department headquarters in the core?

Mr. Caplan last evening espoused "his or some other plan" wherin Hamilton Downtown is now to be the entertainment and service centre for businesses, and this must now be the situation as I did not hear any rebuttal;

I am now confused as two of the major attractions in the "former Downtown" are the Broadway Theatre and the DuMaurier Centre for the Arts (Theatre Aquarius), both located east of Mary St.

What happened to "the NO ZONE, ZONE type of thinking"?

Why did the city/region, in association with the Home Builders agree to spend tax dollars on a study, if the "new impetus is for entertainment and service type industries", in a smaller area?

The question was asked, by Mr. Caplan, regarding how long it would take to request a zoning to comply with the Charity Casino in mind, and the answer a/ 4 to 6 months, or b/ 3 months at best.

The comment that a school is close by to the easterly proposed "original" boundary, was also used to reinforce Mr. McCullouch's thrust, this point was also mentioned by Mr. D'Amico, vice - chairman of the committee, and makes one wonder if the "Casino" should even be allowed in wherever the Downtown is located;

One can only assume it is better to maintain the area east of the school for the hooker traffic, and occasionally gun and weapon storage, as now exists as per articles in the local media.

The resultant vote (without any amendment put forth attempting to have the area as originally "circulated" considered), has most definitely ELIMINATED any possible opportunity to have the charity casino and the resulting benefits introduced into the area east of Mary Street, thereby eliminating in their entirety, the properties owned, managed, maintained and renewed by A.S.A.P. Holdings Limited, which at present, number 5 fair/mid size commercial properties in the 3 blocks between Mary and Wellington Sts. From Main to King William.

It would appear that the only method available is to appeal to the OMB, in order not to be damaged, and possibly to find out if the Downtown is a constant, or just a convenient location to be convoluted, depending on whichever situation is presented.

As an aside, we and our associated companies have been "good local citizens" to say the least, constantly acquiring and renewing properties, paying enormous amounts of taxes, maintaining our Head Offices in Hamilton, at great expense, compared to other available and more convenient locales, and always believing that eventually, and finally, the leaders were leading in a firm and positive manner.

It appears to me, an opportunity once again presented itself to allow another backward and unnecessary position to be taken,

such as this one, without a fair or reasonable decision as to the consequences, and it the opportunity was seized and implemented.

We are frustrated when a situation such as this develops, and is allowed to develop, without even the opportunity to react (hearings, communications, phone calls); one of our staff members heard on the noon news last week, that the committee recommended the elimination of the areas where our properties concerned are located, even though We understand the original boundaries as circulated included our respective properties.

We are all busy people, some going forward, some backwards, and this letter is intended to briefly point out my continuing frustrations with the lack of clear and positive direction from our elected leaders.

Owing to the time constraints and the vote taken last evening, albeit on improper information, We have now been removed from continuing with our tender proposal for the Charity Gaming Club.

The negative position taken, in my opinion, that these properties are no longer in the Downtown Core, will have other negative aspects attached, including probable exclusion from other tenders or "NEGOTIATED" (WITHOUT PUBLIC TENDER PROCESS) awards, ie Regional Offices going to Jackson Square, the former Right House, Woolworths, AND OTHER UNKNOWN, etc;

Possibly there are other uses for these prime locations, that are not public, now that they have been removed from any opportunity to successfully tender on the Charity Gaming Club?

I await any response and advice,

Respectfully,

A.S.A.P. HOLDINGS LIMITED

sorry for the typo's

Ross D. Lewis, President.

5

7.

CITY COUNCIL
HAMILTON, CANADA

Alderman Mary Kiss

71 MAIN STREET WEST L8N 3T4 • (905) 546-4528 • RES. (905) 525-5932 - WARD 1

1 April 1997

Memo to: Alderman Don Drury, Chairman, Planning & Development Committee

From: Alderman Mary Kiss, Ward 1

Reference is made to my request to your Committee requesting the re-establishment of the Kirkendall Neighbourhood Modified Plan Review Committee.

I understand that this request was tabled at the Planning & Development Committee meeting on December 4, 1996.

I am asking again at the request of the Kirkendall Neighbourhood Association that the Review Committee be re-established as quickly as possible.

As you are aware the original Neighbourhood Plan was only a modified one. Items still requiring decisions include, but are not limited to, the:

1. Lapp Development
2. Mr. Grocers
3. Provincial Environment Services expansion
4. Rezoning possibilities for the "K" District.

Please advise me when this matter will be placed on the agenda so that I may be present to speak to and support this request.

Thank you in advance.

MK:sn

c.c. Mr. V. Abraham, Director of Local Planning
Mrs. T. Agnello, Secretary, Planning & Development Committee
Ms. Pauline Hewak, 80 Mountain Ave., Hamilton, L8P 4G2
Mrs. Wanda Crouse, 128 Chedoke Ave., Hamilton, L8P 4N9
Mrs. Marilyn Leckenby, 84 Amelia Ave., Hamilton, L8P 2V5
Ms. Dale Brown, 39 Flatt Ave., Hamilton, L8P 4M9

7.

APR 10 1997

April 08, 1997

Tina Agnello
Secretary, Planning and Development Committee
Corporation of the City of Hamilton
71 Main Street
Hamilton, Ontario L8N 3T4

Re:Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee

Further to your letter of March 17, 1997 and our past discussions, I would respectfully ask that the Planning and Development Committee lift the above referenced item from the table. The Committee should be aware that the Kirkendall Neighbourhood Association was very active in the K/C NPRC in past years and would appreciate its formal resurrection. The activity in the Kirkendall neighbourhoods both north and south, we believe, warrant the revival of the Review Committee and we are prepared to assemble for our first meeting as early as May 1997.

Sincerely,

Peter Simmons
Treasurer and Vice President, Kirkendall Neighbourhood Association

c. KNA Executive

APR 11 1997

8a)

CITY COUNCIL
HAMILTON, CANADA

Alderman Tom Jackson

71 MAIN STREET WEST L8N 3T4 • (905) 546-2730 • (905) 546-2707 • RES. (905) 383-3470 - WARD 6

1997 April 9

Alderman D. Drury
Chairman
Planning and Development
Committee

RE: SECTION 18A. (36) OF ZONING BY-LAW 6593 - REQUIREMENTS FOR PARKING USE IN CONJUNCTION WITH A RESTAURANT

Dear Alderman Drury:

I have had a number of occasions where people have had difficulty locating a restaurant in an "H" zone. I am speaking of the small family type restaurants which are located in strip type commercial, for example, an "H" district. The "H" district, as you are well aware, has side by side 0' side yard, commercial usually with 0' front yard and 20' or 30' rear yard often with parking located at the rear of an alleyway. In many cases the alleyway is the dividing line between a residential neighbourhood at the rear and commercial fronting on the major arterial. This provision prohibits any of this strip type commercial being used for a restaurant where there is parking available on the lot. This provision applies even where the parking is not required for the restaurant but is provided for other uses such as the apartments which are often located on the second floor of such commercial uses. The by-law is quite restrictive in that it requires a minimum of 40' between the residential district and the parking area and it also requires a minimum 30m or 98.43 feet between the point of ingress or egress and the nearest residential district boundary.

I would ask that this matter be put on the agenda for the next Planning and Development Committee with a view of referring this to staff for report on this provision of the by-law. It is my understanding that this provision has been in place since the early 1980's and with the present state of the economy it may be time to review the provision which is quite restrictive in its impact.

Yours truly

Tom Jackson

Tom Jackson
Alderman, Ward 6

TJ:br

cc: Len King, Commissioner, Building Department
T. Agnello, Secretary, Planning and Development Committee

Distributed to P&D
1997 April 02 - at
Meeting KC.

861

CITY OF HAMILTON

- INFORMATION -

DATE: 1997 April 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L. King, P.Eng.
Building Commissioner

SUBJECT: Regulation of Mobile Signs - Status Report
(97.2.4.2.1.A, 97.1.6, By-law 97-026)

BACKGROUND:

On 1996 July 9, City Council directed staff as follows:

2.(a) (i) That the Building Commissioner be directed to proactively enforce the current regulations of Zoning By-law #6593 as it applies to mobile signs on private property;

(ii) That the appropriate City Authority be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

(iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing the by-law; and,

(b) That the Building Commissioner be directed to compile an inventory of all mobile signs deemed non-conforming under the by-law to be passed under the Municipal Act.

Regional Council on 1996 July 16 passed a similar resolution to proactively enforce the Regional Sign By-Law with respect to mobile signs on the regional road allowance in the City. Prior to 1996 July 9, enforcement of signs was on a complaint basis only. This included issuance of Orders by the Building Department and identification of illegally placed signs.

.../2

On 1997 February 11, the Mobile Sign By-law 97-026 was passed by City Council. The Building Department initiated proactive enforcement as it applied to mobile signs under the new by-law with respect to signs located on private property. This resulted in the issuance of Notices and the removal of offending signs under the authority contained in the by-law. Regional Transportation/Environmental Services also continued their proactive enforcement of Streets By-law 86-77 as it applied to mobile signs located on the road allowance. At the present time, approximately fifty signs have been removed from the road allowance and five signs removed from private property. There have been 92 permits issued for mobile signs. At present, permits are being issued within one or two days provided the application form is complete.

One area of concern that has surfaced during the period of proactive enforcement is the relationship of property owners, tenants, and sign companies. When non-complying signs are pursued for removal, a property owner often agrees as the property owner is ultimately responsible for any costs incurred in removing the sign. The same cannot be said of the tenants. Tenants often want the signs to remain and instruct sign companies not to remove the signs. Sign companies do not remove the signs as they are generating income. Even when owners have instructed a sign company to remove a sign they have sometimes been refused.

The majority of the sign companies are co-operating with the city and are receiving permits to erect mobile signs where permitted. It is anticipated that all sign companies will comply as enforcement becomes more focussed on signs without permits.

PCL/dm

CITY OF HAMILTON

- INFORMATION -

DATE: 1997 April 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L. King, P.Eng.
Building Commissioner

SUBJECT: Regulation of Mobile Signs - Status Report
(97.2.4.2.1.A, 97.1.6, By-law 97-026)

BACKGROUND:

On 1996 July 9, City Council directed staff as follows:

2.(a) (i) That the Building Commissioner be directed to proactively enforce the current regulations of Zoning By-law #6593 as it applies to mobile signs on private property;

(ii) That the appropriate City Authority be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

(iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing the by-law; and,

(b) That the Building Commissioner be directed to compile an inventory of all mobile signs deemed non-conforming under the by-law to be passed under the Municipal Act.

Regional Council on 1996 July 16 passed a similar resolution to proactively enforce the Regional Sign By-Law with respect to mobile signs on the regional road allowance in the City. Prior to 1996 July 9, enforcement of signs was on a complaint basis only. This included issuance of Orders by the Building Department and identification of illegally placed signs.

.../2

On 1997 February 11, the Mobile Sign By-law 97-026 was passed by City Council. The Building Department initiated proactive enforcement as it applied to mobile signs under the new by-law with respect to signs located on private property. This resulted in the issuance of Notices and the removal of offending signs under the authority contained in the by-law. Regional Transportation/Environmental Services also continued their proactive enforcement of Streets By-law 86-77 as it applied to mobile signs located on the road allowance. At the present time, approximately fifty signs have been removed from the road allowance and five signs removed from private property. There have been 92 permits issued for mobile signs. At present, permits are being issued within one or two days provided the application form is complete.

One area of concern that has surfaced during the period of proactive enforcement is the relationship of property owners, tenants, and sign companies. When non-complying signs are pursued for removal, a property owner often agrees as the property owner is ultimately responsible for any costs incurred in removing the sign. The same cannot be said of the tenants. Tenants often want the signs to remain and instruct sign companies not to remove the signs. Sign companies do not remove the signs as they are generating income. Even when owners have instructed a sign company to remove a sign they have sometimes been refused.

The majority of the sign companies are co-operating with the city and are receiving permits to erect mobile signs where permitted. It is anticipated that all sign companies will comply as enforcement becomes more focussed on signs without permits.

PCL/dm

CITY OF HAMILTON

- INFORMATION -

DATE: 1997 April 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L. King, P.Eng.
Building Commissioner

SUBJECT: Regulation of Mobile Signs - Status Report
(97.2.4.2.1.A, 97.1.6, By-law 97-026)

BACKGROUND:

On 1996 July 9, City Council directed staff as follows:

2.(a) (i) That the Building Commissioner be directed to proactively enforce the current regulations of Zoning By-law #6593 as it applies to mobile signs on private property;

(ii) That the appropriate City Authority be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

(iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing the by-law; and,

(b) That the Building Commissioner be directed to compile an inventory of all mobile signs deemed non-conforming under the by-law to be passed under the Municipal Act.

Regional Council on 1996 July 16 passed a similar resolution to proactively enforce the Regional Sign By-Law with respect to mobile signs on the regional road allowance in the City. Prior to 1996 July 9, enforcement of signs was on a complaint basis only. This included issuance of Orders by the Building Department and identification of illegally placed signs.

.../2

On 1997 February 11, the Mobile Sign By-law 97-026 was passed by City Council. The Building Department initiated proactive enforcement as it applied to mobile signs under the new by-law with respect to signs located on private property. This resulted in the issuance of Notices and the removal of offending signs under the authority contained in the by-law. Regional Transportation/Environmental Services also continued their proactive enforcement of Streets By-law 86-77 as it applied to mobile signs located on the road allowance. At the present time, approximately fifty signs have been removed from the road allowance and five signs removed from private property. There have been 92 permits issued for mobile signs. At present, permits are being issued within one or two days provided the application form is complete.

One area of concern that has surfaced during the period of proactive enforcement is the relationship of property owners, tenants, and sign companies. When non-complying signs are pursued for removal, a property owner often agrees as the property owner is ultimately responsible for any costs incurred in removing the sign. The same cannot be said of the tenants. Tenants often want the signs to remain and instruct sign companies not to remove the signs. Sign companies do not remove the signs as they are generating income. Even when owners have instructed a sign company to remove a sign they have sometimes been refused.

The majority of the sign companies are co-operating with the city and are receiving permits to erect mobile signs where permitted. It is anticipated that all sign companies will comply as enforcement becomes more focussed on signs without permits.

PCL/dm

CITY OF HAMILTON

- INFORMATION -

DATE: 1997 April 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L. King, P.Eng.
Building Commissioner

SUBJECT: Regulation of Mobile Signs - Status Report
(97.2.4.2.1.A, 97.1.6, By-law 97-026)

BACKGROUND:

On 1996 July 9, City Council directed staff as follows:

2.(a) (i) That the Building Commissioner be directed to proactively enforce the current regulations of Zoning By-law #6593 as it applies to mobile signs on private property;

(ii) That the appropriate City Authority be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

(iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing the by-law; and,

(b) That the Building Commissioner be directed to compile an inventory of all mobile signs deemed non-conforming under the by-law to be passed under the Municipal Act.

Regional Council on 1996 July 16 passed a similar resolution to proactively enforce the Regional Sign By-Law with respect to mobile signs on the regional road allowance in the City. Prior to 1996 July 9, enforcement of signs was on a complaint basis only. This included issuance of Orders by the Building Department and identification of illegally placed signs.

.../2

On 1997 February 11, the Mobile Sign By-law 97-026 was passed by City Council. The Building Department initiated proactive enforcement as it applied to mobile signs under the new by-law with respect to signs located on private property. This resulted in the issuance of Notices and the removal of offending signs under the authority contained in the by-law. Regional Transportation/Environmental Services also continued their proactive enforcement of Streets By-law 86-77 as it applied to mobile signs located on the road allowance. At the present time, approximately fifty signs have been removed from the road allowance and five signs removed from private property. There have been 92 permits issued for mobile signs. At present, permits are being issued within one or two days provided the application form is complete.

One area of concern that has surfaced during the period of proactive enforcement is the relationship of property owners, tenants, and sign companies. When non-complying signs are pursued for removal, a property owner often agrees as the property owner is ultimately responsible for any costs incurred in removing the sign. The same cannot be said of the tenants. Tenants often want the signs to remain and instruct sign companies not to remove the signs. Sign companies do not remove the signs as they are generating income. Even when owners have instructed a sign company to remove a sign they have sometimes been refused.

The majority of the sign companies are co-operating with the city and are receiving permits to erect mobile signs where permitted. It is anticipated that all sign companies will comply as enforcement becomes more focussed on signs without permits.

PCL/dm

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 April 23
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1997 April 2

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Downtown Hamilton Business Improvement Area (B.I.A.) - Revised Board of Management

C. BUILDING COMMISSIONER

a) 637 Rosseau Rd - Demolition

b) 3 Dexter Ave - Demolition

c) 120 Sanford Ave N - Demolition

d) 203 Strathearne Ave - Hamilton Emergency Loan Program

e) 280 1/2 Barton St E - Commercial Property Improvement Loan Program

f) Barton Street Revitalization - Street Festivals

D. DIRECTOR OF PLANNING AND DEVELOPMENT

"Sheldon Estates", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication).

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

a) Canadian and Ontario Planning Conferences

b) Information Items

Wednesday, 1997 April 2
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Mayor R. M. Morrow Alderman M. Caplan Alderman Wm. McCulloch Alderman G. Copps Alderman F. Eisenberger Alderman B. Charters
Absent:	Alderman H. Merling, City Business
Also present:	Alderman M. Kiss Alderman T. Jackson Victor Abraham, Director of Planning and Development Department Bill Janssen, Planning and Development Department Joanne Hickey-Evans, Planning and Development Department Mary-Lou Tanner, Planning and Development Department Art Zudima, Law Department Roland Karl, Public Works and Traffic Department Eugene Chajka, Regional Environment Department Hazel Milsome, Public Works and Traffic Department Len King, Building Commissioner Willy Wong, Building Department Deputy Chief Ken Robertson, Police Department Nick Catalano, Economic Development Doug Rose, City Clerks Department Dean Barrow, City Clerks Department Mr. Rudolph, Vedemo Construction Ltd. Kevin Christenson, Acting Secretary

1. **Zoning Application 97-06, by Fiore and Vally Manganiello, Owners, for a Change in Zoning for Property Located at 87-95 Wellington Street North and 216 Wilson Street from "L-mr-2" District to "DE-2" District Modified.**

The Committee was in receipt of correspondence dated 1997 March 24 from the applicant requesting that the above-noted matter be tabled.

The Committee approved that the item be tabled as requested by the applicant.

2. **Rental Housing Protection Act Application CD-96-004, 222 Gage Avenue South, Blakely Neighbourhood**

The Committee was in receipt of a report dated 1997 March 20 from the Director of Planning and Development respecting the subject matter.

Mary-Lou Tanner reviewed the report and noted that the average rental price listed for a one-bedroom unit listed on pages 4 and 7 should be amended to read $556 rather than the $429 indicated.

The applicant, Mr. Rudolph, appeared before the Committee and indicated that he supported the staff recommendation being presented.

The Chairman then opened the meeting up to the public, and the following individuals made submissions:

(a) Mr. Bruce Chapman, #602, 222 Gage Avenue South - Expressed concern for the proposed three year lease extension and the cost for parking.

Mr. Rudolph responded that the three year lease extension was an option being offered to present tenants and that further leases were an issue which could be negotiated between the tenant and the new owner of the unit.

He added that parking was another negotiable item between the new owner and tenant.

(b) Mr. George Richardson, 222 Gage Avenue South - Indicated that he is a senior citizen and does not want to purchase a unit but wants to stay in his apartment as a tenant.

(c) Ms. Barbara Marriot, #203, 222 Gage Avenue South - Informed the Committee that she had only moved into her apartment two days ago, March 31 and had only then found out about the proposed conversion to condominiums. She suggested that in the future, new or prospective tenants should be informed up front of pending conversions.

(d) Ms. Irene Anne, #301, 222 Gage Avenue South - Questioned the amount of Condo fees to be charged and when the conversion would take effect.

Mr. Rudolph responded that condo fees would be established by the owners of the units and that tenants would be pay rent, established by the owner of the unit and which would have taxes and condo fees built into that amount.

The Committee noted and expressed concern that only a small percentage of the present tenants had attended the Tenant Information Meeting or responded with comments. Following further discussion, the Committee agreed to table the item for one month in order that the Ward Aldermen could meet with the applicant and tenants to discuss the proposal further.

3. <u>City Initiative 96-G Respecting the Location of Charity Gaming Clubs</u>

The Committee was in receipt of a report dated 1997 March 26 from the Director of the Planning and Development Department respecting the subject matter.

Joanne Hickey-Evans reviewed the report with the Committee.

The Chairman indicated that he had received a letter from Mr. Art Boyago requesting an amendment to the location recommended in the report.

Mr. Boyago appeared before the Committee indicating that he supports the proposed Charity Gaming Clubs location but would like it expanded to include the former C.N. train station located on James Street North.

Discussion ensued on the location of the C.N. Station in a predominantly residential area and the impact of a Gaming Club on the area residents.
The Committee further discussed the appropriateness of Gaming Clubs in the downtown core and how this activity would impact the proposals presently being considered for downtown revitalization.

Following considerable discussion, the Committee agreed that the proposed area should be amended to be more central in the downtown area and subsequently approved the following recommendation:

> That the map referred to as Appendix "A" in section "a" of the recommendation be amended to establish the downtown area for the purposes of allowing future locations for Charity Gaming Clubs as follows; Bay Street to Mary Street/Walnut Street and York Street/Wilson Street to Jackson Street.

Subsequently, the Committee approved the following recommendation incorporation the amended appendix "A" noted above:

(a) That approval be given to City Initiative 96-G, for a general text amendment to Zoning By-law No. 6593 to define "charity gaming club", "table games" and "video lottery terminal (VLT)" and to permit a charity gaming club and video lottery terminal within the downtown area, as shown on Appendix "A" attached hereto, on the following basis:

(i) That a new Schedule "M" be added to Zoning By-law No 6593 as follows:

"Schedule M - Location of Charity Gaming Clubs"

(ii) That Section 2.(2)D. be amended by adding the following new definition:

(1) "(ibb) **"Charity Gaming Club"** shall mean any premises or parts thereof, containing table games and/or video lottery terminals.

For the purpose of this subclause;

(a) **"Table Games"** shall mean games played at a Charity Gaming Club and shall include blackjack, baccarat, roulette, poker and any other such games approved by the Gaming Control Commission; and

(b) **"Video Lottery Terminal"** shall mean a machine or device that allows a person to play a lottery scheme upon payment of money where that play may result in the receipt of a credit that can be redeemed for further play or money."

(iii) That Section 14 of Zoning By-law No. 6593 be amended by adding the following subclauses:

"14.(1)(xviib) charity gaming club provided:

(a) it is located within the Area shown on Schedule "M""; and,

(b) no institutional uses and residential uses, except a hotel are permitted within the same building.

(iv) That Section 15 of Zoning By-law No. 6593 be amended by adding the following subclause:

"15.(1)(xiva) charity gaming club provided:

(a) it is located within the Area shown on Schedule "M""; and,

(b) no institutional uses and residential uses, except a hotel are permitted within the same building.

(v) That Section 15A of Zoning By-law No. 6593 be amended by adding the following subclause:

"15A.(1)(xxiiia) charity gaming club provided:

(a) it is located within the Area shown on Schedule "M""; and,

(b) no institutional uses and residential uses, except a hotel are permitted within the same building.

(vi) That Section 15B of Zoning By-law No. 6593 be amended by adding the following subclause:

"15B.(3)(b)(21) charity gaming club provided;

(a) it is located within the Area shown on Schedule "M""; and,

(b) it is located wholly within a building used only for commercial or public uses as permitted in clauses (b) and (d).

(vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(viii) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) That City Council request Regional Council to consider a similar initiative to restrict charity gaming clubs to the "Regional Centre".

The Committee then directed staff to report back on the issue regulating future locations of Video Lottery Terminals.

4. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton Street Revitalization - Streetscaping Component - Awarding of Contract for Project Between East Avenue and Leeming Street

The Committee was in receipt of a report dated 1997 March 21 from the Commissioner of Public Works and Traffic respecting the subject matter. Following brief discussion, the Committee approved the following recommendation:

(a) That the Region be authorized to act as the City of Hamilton's agent by providing construction and contract administration services for the construction of the Barton Street Streetscaping Project between East Avenue and Leeming Street; and,

(b) That a purchase order be issued to the Region in the amount of $290,000. to cover the estimated cost of providing services; and,

(c) That $280,000. of the costs associated with these works be charged to Account Number CH 24107 00001 (a holding account) and, $10,000. be charged to Account Number CF 5204 428705008 (the Commercial Improvement Program).

5. CHIEF ADMINISTRATIVE OFFICER/
DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Downtown Revitalization - Gore 2000 Program

The Committee was in receipt of a report dated 1997 March 26 from the Chief Administrative Officer, Director of the Planning and Development Department and the Building Commissioner respecting the subject matter. Following brief discussion, the Committee approved the following recommendation:

(i) That the City of Hamilton, pursuant to its mandate of Community Improvement and Renewal under the Planning Act, implement the heritage funding program known as the "Gore 2000" Program, as generally outlined in Appendix "B" attached hereto, to provide matching grants to owners of buildings for facade restoration; improvement of storefront design and commercial signage; and installation of canopies, based on the Gore Heritage Design Study; and,

(ii) That these matching grants be made available for buildings located within the Gore Heritage Area, King St. East from James to Catharine Streets, identified in Appendix "C" attached hereto.

(b) "K" Zoned Lands - Frid Street and Chatham Street

(i) The Committee was in receipt of correspondence dated 1997 March 19 from Mr. Warren Davies, 9 Rossmore Avenue, Hamilton L8P 2N2, respecting the subject matter.

(ii) The Committee was in receipt of a memorandum dated 1997 March 25 from the Director of the Planning and Development Department respecting the subject matter.

The Chairman informed the Committee that he had received other letters of support respecting the "K" zoning issue on Frid Street and that the issue of the application of Provincial Environmental was presently being considered by the M.O.E.E.

Following discussion, it was moved by Alderman Caplan and seconded by Alderman Copps that staff be directed to report back as soon as possible on the proposal to remove "waste processing" from the "K" zone in the Frid Street industrial park area.

MOTION LOST

Discussion ensued on the effect that staff undertaking this study would have on other departmental priorities presently under way or scheduled for in the future. The legal implications of making such site specific zoning changes were also considered by the Committee.

Following considerable debate, the Committee agreed to move in camera to discuss the legal aspects of the matter. Following the in camera session, the Committee moved out of camera and approved the following recommendation:

> That the Director of Planning report back to the Committee on the impact conducting a study on the proposal to remove "waste processing" from all "K" zoning in the City of Hamilton will have on departmental priorities and work schedules.

6. MAYOR R.M. MORROW - 189 Cline Avenue South

The Committee was in receipt of correspondence from Stephanie M. Side, 200 Cline Avenue South, Hamilton L8S 1X4, respecting the subject matter.

Following considerable debate on the issue of student housing, the Committee directed that the Building Commissioner report back on the City of Guelph's By-law pertaining to Lodging Homes and that the Building Commissioner and City Solicitor report back on the issue of the garage conversion at 189 Cline Avenue South.

7. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1997 March 19 were adopted as presented.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) Final Lot Grading and Sodding Contract for Various Subdivisions During 1997 dated 1997 March 19:

That the Manager of Accounting and Purchasing be authorized and directed to issue an Open Order to Brantford Landscaping & Sodding Ltd., on behalf of the Treasury and Building Departments, based on prices received for Quotation C19-2-97, to provide final lot grading and sodding as and when required during 1997 in various subdivisions, being the lowest of six quotations received in accordance with specifications issued by the Manager of Accounting and Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.

(b) **Commercial Improvement Program - Ottawa Street B.I.A. Increased Security Through the Attachment of Luminaires on Privately Owned Buildings Adjacent to Alleyway dated 1997 March 26:**

(i) That under the Commercial Improvement Program, luminaires be affixed to building faces abutting alleyways within the Ottawa Street B.I.A., to increase security of the alleyways; and,

(ii) That the City Solicitor be authorized to prepare the necessary legal agreements to attach and maintain the lighting fixtures to private property; and,

(iii) That the Mayor and City Clerk be authorized to execute the agreements referenced in Sub-section (b).

C. **CHIEF ADMINISTRATIVE OFFICER/ DIRECTOR OF PLANNING AND DEVELOPMENT**

(a) **Request for a One Year Extension for the Approval of Site Plan Control Application DA-93-18 for Development of a 51 Unit Apartment Building at 52-62 Victoria Avenue South dated 1997 March 19:**

That approval be given to the request by Alpha Development Service Inc., owner of the lands at 52-62 Victoria Avenue South, as shown on Appendix "D" attached hereto, for an extension to the approval of Site Plan Control Application DA-93-18 to April 8, 1998, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

(b) **Application to Remove Part-Lot Control "Allison Estates - Phase 1, Stage 2" Subdivision, Registered Plan 62M-795 dated 1997 March 24:**

(i) That the request by John Parente, Solicitor for 822827 Ontario Inc., owner, to remove part-lot control be approved to establish maintenance easements for Lots 1 - 19, inclusive, Registered Plan No. 62M-795, as shown on Appendices "E" and "F" attached hereto; and,

(ii) That the appropriate By-law, to remove part lot control from Lots 1 to 19 inclusive, Registered Plan 62M-795, "Allison

Estates - Phase 1, Stage 2" plan of subdivision, effective until 1998 May 1, be enacted by Council; and,

(iii) That following enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the By-law and endorse the same on the By-law.

(c) **Wellington Chase Phase 5 - City of Hamilton (Cash Payment in Lieu of 5% Land Dedication) dated 1997 March 20:**

That the City of Hamilton accept the sum of $24,300 as a cash payment in lieu of the 5% land dedication in connection with "Wellington Chase - Phase 5", Hamilton, being the cash payment required under Section 51.1 of the Planning Act.

D. CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PROPERTY

Request from T. Valeri Construction Limited, Owner of 1198 - 1208 Stone Church Road East for a Quit Claim Deed from City - Release of Covenants in Instrument No. 411888 CD dated 1997 March 24:

(a) That the City of Hamilton confirm that it claims no interest in a parcel of land known as 1198-1208 Stone Church Road East, Hamilton (pursuant to construction covenants to the City as contained in Instrument No. 411888CD) by quit claiming this land to the current owner; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

E. BUILDING COMMISSIONER

Barton Street Revitalization Murals dated 1997 March 25:

(a) That the budget payment schedule for the 1997 Barton Street murals, as outlined in Appendix "G" attached hereto, be approved for the Visual Arts component of the Barton Street Revitalization Program; and,

(b) That the City Treasurer be authorized and directed to forward $20,000 for the Visual Arts component (murals) to the Barton Street B.I.A..

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

(a) Correspondence dated 1997 March 13 from Mary M. Hance regarding the application of Vedems Construction Limited, No. 222 Gage Avenue South.

(b) Correspondence dated 1997 March 5 from Mitch Wilson, Stewardship Co-ordinator, Hamilton-Wentworth Stewardship Council respecting information for prospective volunteer members.

B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Revised Board of Management, Downtown Hamilton Business Improvement Area (B.I.A.).

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 97-057, appointing the Downtown Hamilton B.I.A.'s Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
C. Jamieson	The Right House
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.
R. Sorenson	Sundried Tomatoes

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

As a result of a special meeting of the Downtown Hamilton B.I.A.'s Board of Management held on 1997 March 26, the Board's membership was reduced by one individual. At a subsequent meeting held 1997 April 16, a new member was appointed to fill the vacant position, therefore the by-law appointing the Board of Management must be amended accordingly.

DL:HM:hm
P&DDown.Board

c.c. Carlo Gorni, Executive Director
Downtown Hamilton B.I.A.

Patrice Noe Johnson
City Solicitor
Law Department

Ca)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
637 ROSSEAU ROAD - Tag Number 10275
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 637 Rosseau Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C

PRESENT USE: Single Family Dwelling

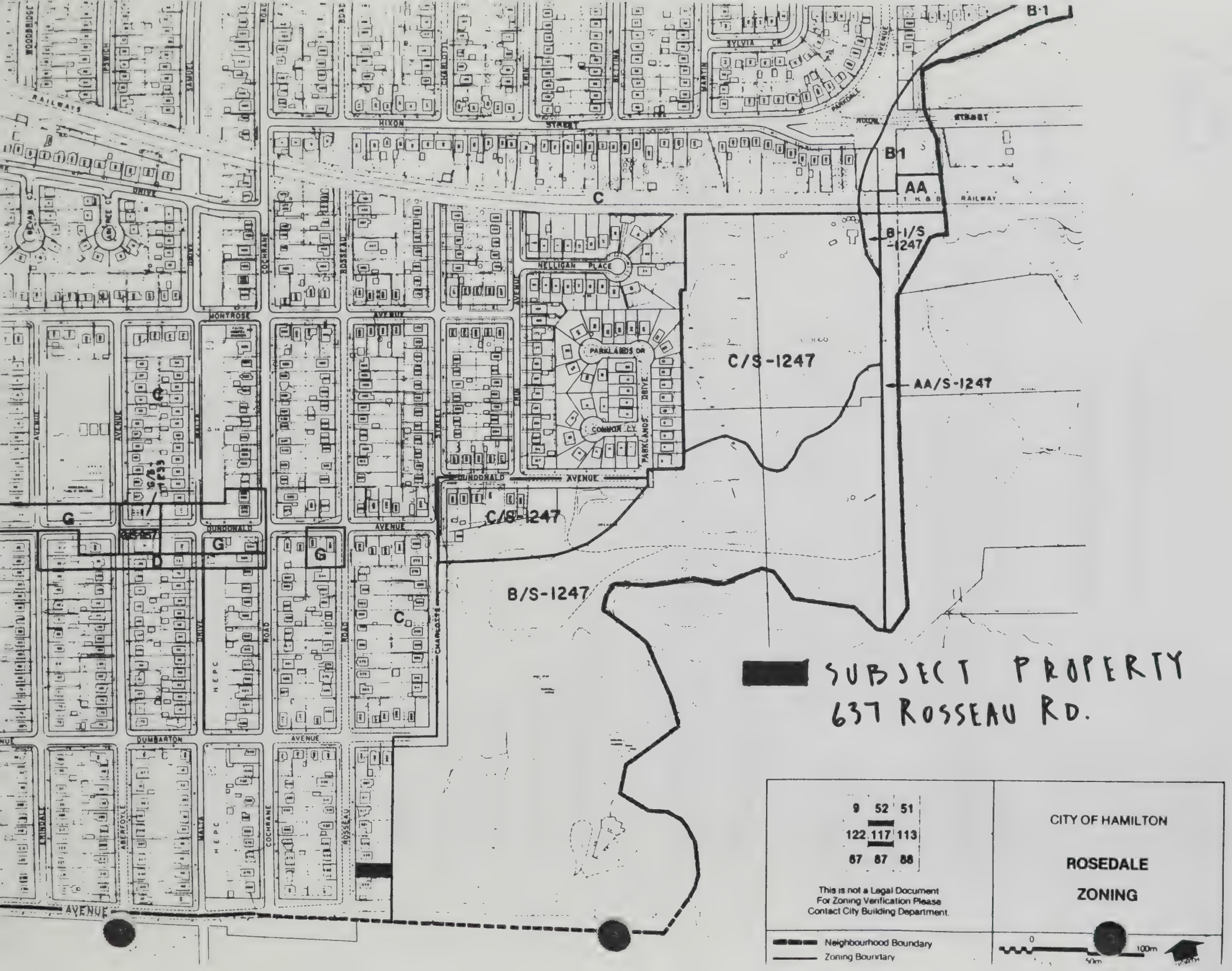
PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner wishes to demolish the existing 1½ storey wood frame stucco dwelling and detached garage. The owner has applied for a building permit application to erect a new two storey single family dwelling. The dwelling is located in the Rosedale Neighbourhood (please see attached neighbourhood map). No LACAC interest. Lot size 50' x 130'.

The owner of the property as per the demolition permit is:

Joe Sciarra
243 Margaret Avenue
Stoney Creek, Ontario L8E 2J1

FP/zr


B-1
B1
AA
C
C/S-1247
AA/S-1247
B-1/S-1247
C/S-1247
B/S-1247
SUBJECT PROPERTY
637 ROSSEAU RD.
HIXON STREET
NELLIGAN PLACE
PARKLANDS DR
COMMON CT
PARKLANDS DRIVE
MONTROSE
DUNDONALD AVENUE
DUMBARTON
COCHRANE
ROSSEAU
CHARLOTTE
HEPC
T H & B RAILWAY
9 52 51
122 117 113
87 87 88
This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.
Neighbourhood Boundary
Zoning Boundary
CITY OF HAMILTON
ROSEDALE
ZONING
0
100m
50m

C6)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
3 DEXTER AVENUE
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 3 Dexter Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C

PRESENT USE: Single Family Dwelling

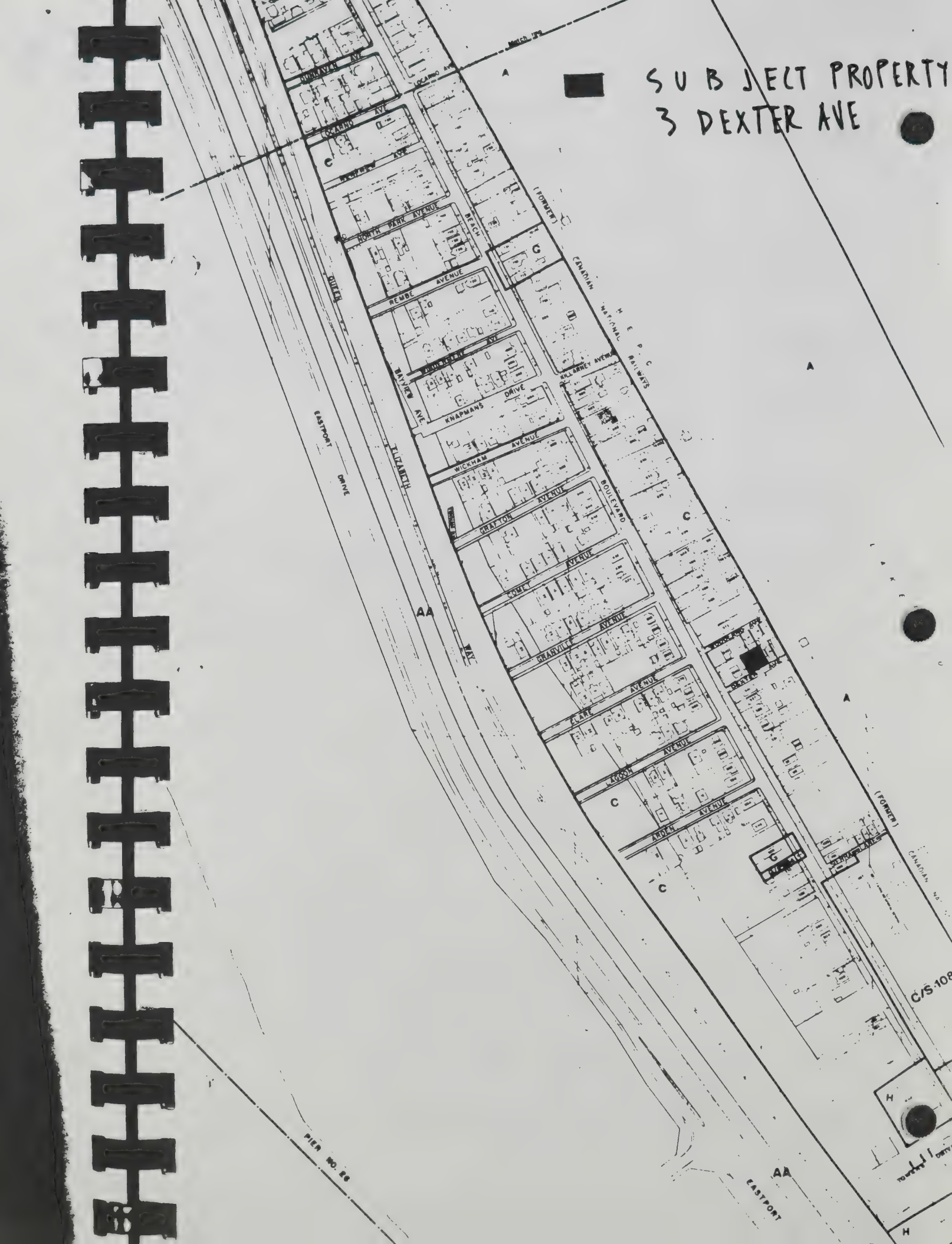
PROPOSED USE: Unknown

BRIEF DESCRIPTION: The owner wishes to demolish the existing 2 storey protected frame single family dwelling. The owner at this time did not specify a proposed use, however, the dwelling was originally purchased under the Beach Strip Acquisition Program to provide open space for recreation purposes. A recent fire has severely damaged the building. The property is located in the Hamilton Beach "B" Neighbourhood (please see attached neighbourhood map). There has been application for a demolition permit at this time. No LACAC interest. Lot size 70' x 67.5'.

The owner of the property as per the request from the Property Department is:

Hamilton Region Conservation Authority

FP/zr


SUBJECT PROPERTY
3 DEXTER AVE
HOMEWAY AVE
LOCARNO AVE
NORTH PARK AVENUE
BEACH AVENUE
QUEEN
(FORMERLY) CANADIAN NATIONAL R.R.
KILLARNEY AVENUE
BAYVIEW AVE
KNAPMANS DRIVE
WICKHAM AVENUE
GRAFTON AVENUE
BOULEVARD
COURT AVENUE
GRANVILLE AVENUE
CLARE AVENUE
LAGOON AVENUE
ARDEN AVENUE
EASTPORT DRIVE
ELIZABETH WAY
PIER NO. 26
C/S 108

Cc)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
120 SANFORD AVENUE NORTH - Tag Number 10321
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 120 Sanford Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Map E-22)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial

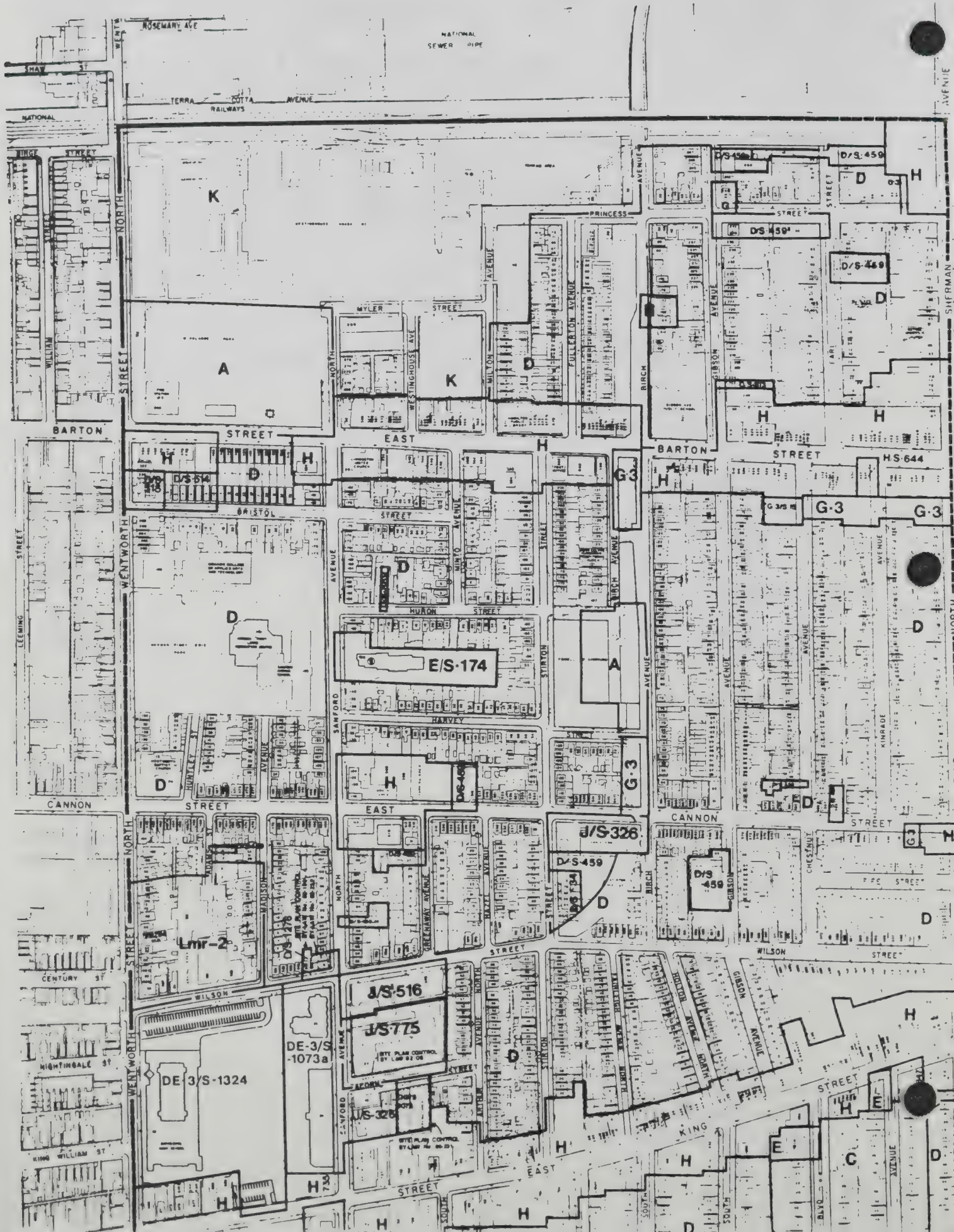
BRIEF DESCRIPTION: The owner wishes to demolish the existing 2½ storey brick dwelling. The property is located in the "GIBSON" Neighbourhood (please see attached neighbourhood map). The owner is proposing a commercial development. There have been no recent applications for a building permit or Committee of Adjustment. No LACAC interest. Lot size 21.5' x 80'.

The owner of the property and applicant as per the demolition permit is:

1104152 Ontario Inc.
1186466 Ontario Ltd.
349 Hawkridge Avenue
Hamilton, Ontario L9C 3L3

FP/zr

SUBJECT PROPERTY
120 SANFORD AVE NORTH.



Cd)

CITY OF HAMILTON

- RECOMMENDATION -

APR 1 5 1997

DATE: 1997 April 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
203 Strathearne Ave (97.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and twenty dollars ($920) be approved for Mae Golden, 203 Strathearne Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Mae Golden, 203 Strathearne Avenue in the amount of $920. The plumbing been repaired, and the Department recommends approval in the amount of $920 at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

Ce)

CITY OF HAMILTON

- RECOMMENDATION -

APR 15 1997

DATE: 1997 April 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
280 1/2 Barton Street East (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of fifty-five thousand and twenty-three dollars ($55,023) to Edith Hoare, carrying on business as Orthopaedic Services, for improvements to 280 1/2 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twenty-five thousand dollars ($25,000) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of ten thousand dollars ($10,000) to Edith Hoare, carrying on business as Orthopaedic Services, exterior storefront improvements to 280 1/2 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 280 1/2 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 280 1/2 Barton Street East:

a. $55,023 loan amortized over ten years at 2.38 per cent interest. Grant portion $25,000 Security: promissory note and lien. Monthly payments $515.29.

b. $10,000 loan amortized over ten years at 2.38 per cent interest. Grant portion $5,000 Security: no security other than promissory note. Monthly payments $93.65.

A lien for $55,023 will be registered on title.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

(f)

CITY OF HAMILTON

- RECOMMENDATION -

APR 15 1997

DATE: 1997 April 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King,P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization (97.2.14, 97.2.4.2.1.A)

RECOMMENDATION:

a) That the budget as outlined in Schedule A be approved for a Festival (Streetscaping Ground Breaking Ceremony) to be held 1997 April 18; and,

b) That the City Treasurer be authorized and directed to forward $2264.81($2831 - 20% holdback) for the Festival (Streetscaping Ground Breaking Ceremony)to the Barton Street B.I.A.. The outstanding balance of $566.20 to be forwarded upon submission of a statement of account.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $400,000 has been provided by the Province for the revitalization program. The Province of Ontario has provided a total of $1,000,000 directly to the City of Hamilton over the past three (3) years. Full funding for the street festival has been budgeted and provided from provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals, and street enhancement.

As part of the revitalization program, the B.I.A. proposed that street festivals would be held on Barton Street. This proposal was approved by Council and a yearly budget of $40,000 was provided for street festivals.

../2

The resolution approved by Council states as follows:

> The City will provide up to $40,000 yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
>
> Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

The B.I.A. has submitted a budget of $2,831 (see attached Schedule A) for the Festival (Ground Breaking Ceremony) held 1996 April 18. A holdback of $566.20 (20%) will be made until a statement of account is submitted to the City Treasurer.

DC/dc
encl.

Schedule A

STREETSCAPING GROUND BREAKING CEREMONY

AND

CLEAN/PRIDE CAMPAIGN

Advertising/Invitations	$ 500.00
Flyer Distribution	300.00
Tent	175.00
Food/Sundries	100.00
Cleaning Items	621.00
BBQ Tank	10.00
Risers	30.00
Audio	125.00
Miscellaneous	100.00
Draw Prize	300.00
SUB-TOTAL	**$2,361.00**
Contingency	470.00
TOTAL	**$2,831.00**

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 7
S719-71 P. Strong

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director of Planning and Development

SUBJECT: **"SHELDON ESTATES", Hamilton**
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That Item 4 of the Planning and Development Committee Report 14-94, approved by Council on 1994 October 11, regarding approval of the cash payment in lieu of 5% parkland dedication in the amount of $18,000.00 for "Sheldon Estates" be rescinded and replaced with Item b) below.

b) That the City of Hamilton accept the sum of $25,300.00 as a cash payment in lieu of the 5% land dedication in connection with "Sheldon Estates", Hamilton, being the cash payment required under Section 51 of the Planning Act.

cont'd...

DATE: 1997 April 7

"SHELDON ESTATES", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

City Council at its meeting of October 11, 1994 approved Item 4 of the Fourteenth Report of the Planning and Development Committee. The cash figure for inclusion in the City Subdivision Agreement was determined to be $18,000.00 for the eighteen (18) proposed lots being created by the final plan of subdivision. The owner did not register the final plan for Sheldon Estates and since that time in 1994 the Planning Act has been revised for the method of collection of the 5% cash value. Currently the City of Hamilton value the lands of the subdivision as "draft"approved" Lots. The owner has also revised the number of Lots for this development from 18 to 22.

The owner of "Sheldon Estates" (Britannia Painting and Decorating Limited) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

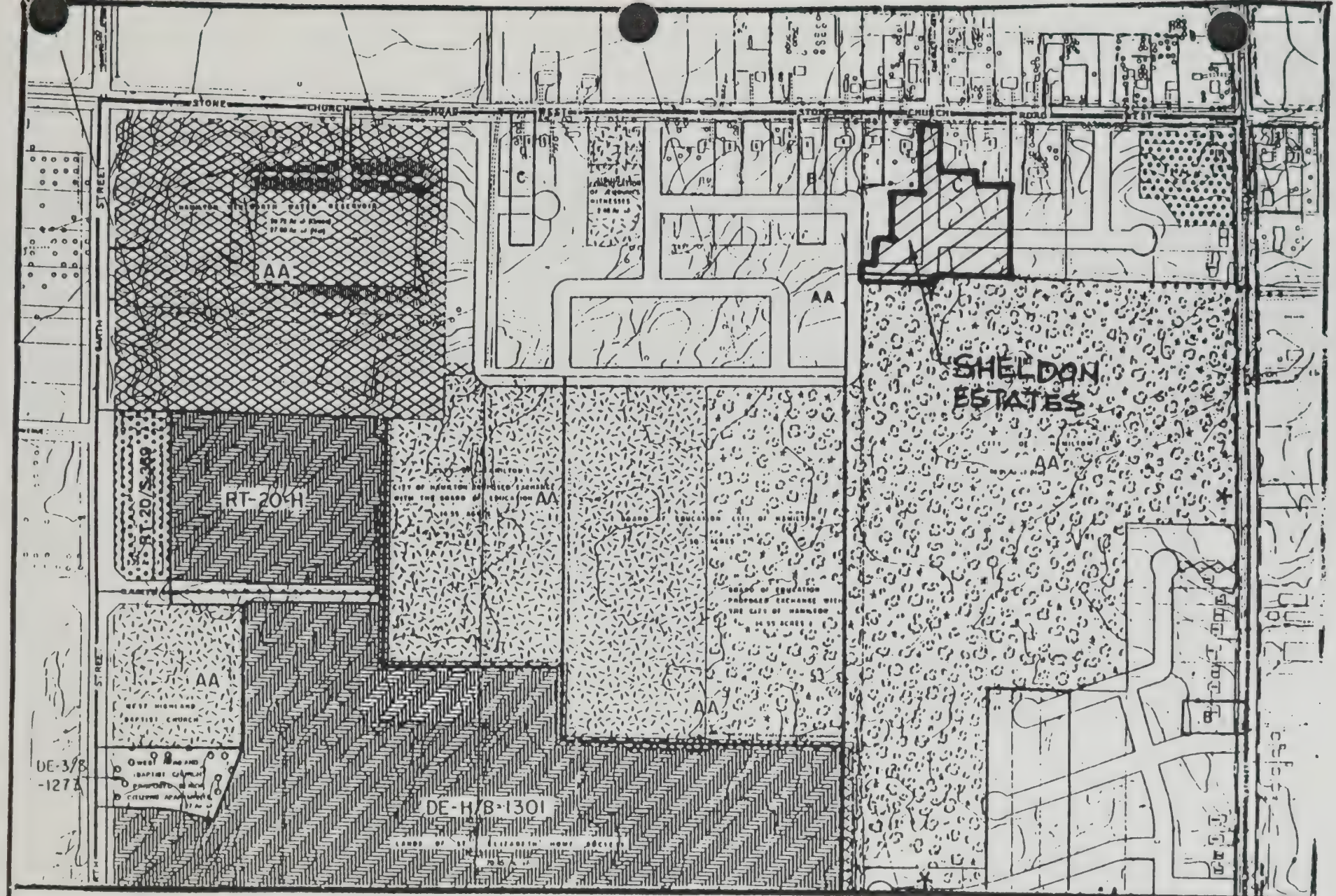
In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $25,300.00.

The lands of "Sheldon Estates" are located on the south side of Stone church Road West in the Sheldon Planning Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

/ps

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department



KEY PLAN

N.T.S.

SHELDON

APPROVED PLAN

Ea

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 15

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: 1997 Planning Conferences

RECOMMENDATION:

a) That the Chairman or his designate attend the 1997 Canadian Institute of Planner Conference in St. John's, Newfoundland and/or the 1997 Ontario Professional Planners Institute Conference in Windsor, Ontario.

b) That costs for attendance be allocated to Alderman Travel account No. CH55201 10010 from the 1997 Operatng Budget.

T. Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Costs for attendance at Conferences comes from the Aldermen's travel account No. CH55201 10010 from the 1997 Operating Budget.

BACKGROUND:

A brief description of the following conferences is as follows:

1. CIP Conference, July 20-23, 1997, St. Johns, Newfoundland. "The Quest for a Better World: Exploring New Directions in Planning". The conference will focus on issues associated with Society in Transition, the Challenges of Uncertainty, Social and Economic Equity and opportunities for Professional Practice. This conference addresses planning issues affecting municipalities throughout Canada.

2. Ontario Professional Planners Institute Conference, August 20-23, 1997, Windsor, Ontario, "High Stakes Planning". This Conference will focus on issues related to Community, Transportation, Environment and Tourism and is related to issues facing municipalities in Ontario.

Attached hereto is the information for both conferences.

CONCLUSION:

Both the CIP and OPPI Conferences are worthy of attendance by the Chairman or his designate.

BJ:fd

February 4, 1997

1997 CIP/ICU Conference
July 20-23, 1997
St. John's, Newfoundland, Canada

The Quest for a Better World: Exploring New Directions in Planning

Sub-Themes

- *Society in Transition*
- *The Challenges of Uncertainty*
- *Social and Economic Equity*
- *Opportunities for Professional Practice*

1997 CIP/ICU Conference — Sponsorship Information.

DON'T MISS THE 1997 CIP CONFERENCE PRELIMINARY PROGRAM AND REGISTRATION PACKAGE INSERTED IN THE MARCH ISSUE OF *PLAN CANADA*!

You're invited to join us as we explore new directions with noted CBC personality **Rex Murphy** and world affairs commentator **Gwynne Dyer**.

CONFERENCE AT A GLANCE

- **THE FUTURE OF THE HUMAN RACE - Opening Plenary with Journalist and Military Historian, Gwynne Dyer**
- The Changing Face of the Planning Profession
- Planning in the New South Africa
- City - Region Planning for the Millennium
- Communities in Transition
- Improving Cash Flow and Expanding Revenue Sources for New Infrastructure and Amenities
- Planning, Development and the Environment: The Role of Environmental Protection Zones
- Innovations and Alternatives in Community Design
- Creating a Conflict Resolution Pilot
- From the Institution to Your Backyard: A Supportive Living

- The Return of Regional Planning - New Directions?
- Plan de transport de la région de l'Outaouais - province de Québec
- Neighbourhoods for the New Millennium
- Challenging the Conventions of Rural Planning
- Exporting Canadian Planning Services
- Exporing the Use of New Technologies in Planning
- Sustainable Tourism
- Resource Management
- Survival Strategies for Small Towns
- **CAN RURAL CANADA SURVIVE? The Great Debate - moderated by Rex Murphy, host of CBC Radio's Cross Country Checkup**
- Sustainable for Whom? Missing Pieces in the Sustainability Puzzle
- Les effets de l'émergence des nouvelles technologies de communications sur l'aménagement du territoire
- Plan Monitoring: Are We Getting It Right?
- Davis Inlet: Planning "New" Aboriginal Communities

AND DON'T MISS...

- CIP's and API's Annual General Meetings
- CIP Awards Banquet
- CIP's Pre-Conference Workshops
- Kid's Can Plan!! - an event for the kid within all of us. This is a great opportunity for professional planners to learn techniques for communicating planning concepts to children of all ages.
- The Passport to Treasure contest
- Mobile Workshops

REGISTRATION COSTS

Member	$400 (plus 15% HST) *by June 15, 1997*	$450 (plus 15% HST) *after June 15, 1997*
Non-member	$500 (plus 15% HST) *by June 15, 1997*	$550 (plus 15% HST) *after June 15, 1997*
Students	$75 (plus 15% HST)	

Registration fees include welcoming reception, sessions, Monday lunch, Tuesday banquet and coffee breaks. Additional tickets can be purchased for the Mobile Workshops, Monday lunch and Tuesday evening banquet.

Accomodation

The Delta St. John's Hotel has been designated as the official conference hotel. Book early!! St. John's will be at the peak of its tourism season and in the midst of summer-long Cabot 500 festivities in July 1997. Reserve your hotel space now!
Special conference rates of $120 (plus 15% HST) per night, single and double occupancy, have been negotiated with the hotel. **Rooms have been reserved and will be held until June 19, 1997**. To reserve your room, call the Delta Hotel at 1-800-563-3838 and identify yourself as a delegate of the 1997 CIP Conference. If you experience any difficulty in making hotel arrangements, please contact the Conference Committee at (709) 729-3090.

Air Travel

Air Canada has been chosen as the official airline for our conference in St. John's. When booking air travel please quote Event Number CV # 970044.

Travel CUTS

Official Travel Agent of the 1997 CIP Conference and corporate sponsor of the CIP Planning Student Trust Fund. Book your air travel to St. John's through **Travel CUTS** and **you will be eligible to enter a draw for two travel vouchers (total value $800)**, valid for air travel anywhere. To enter the draw, members must show their airline tickets at the conference registration desk. The draw will be made at the CIP Awards Banquet, Tuesday, July 22. Please refer to the back cover of the CIP 1996-97 Members Directory for a Travel CUTS near you.

Accompanying Persons/Pre and Post Conference Tours

A number of day tours are available to interested participants throughout the duration of the conference. Eastern Newfoundland and cross-island excursions are also being offered as Pre and Post Conference tours.

Upon confirmation of your registration, a brochure with details about tours and how to register for them will be sent to you. For further information in the meantime, please contact Wildland Tours Ltd., 124 Water Street, P.O. Box 383, St. John's NF A1C 5J9 Phone/Fax (709) 722-3335.

Exhibition Area

An exhibition area will be available to any companies or organizations wishing to display and promote their services and products. It will be in operation at the Delta Hotel from Sunday afternoon until Wednesday noon. Any persons interested in purchasing booth space should contact the Conference Committee at (709) 729-3090.

If you don't receive *Plan Canada* and would like to receive the 1997 CIP Conference Preliminary Program and Registration package, please contact Christine Helm at (800) 207-2138 or (613) 562-4646 or you can contact Christine by fax at (613) 562-4748 or by e-mail at chelm@cip-icu.ca.

COME JOIN THE CABOT 500 CELEBRATIONS!

For further information contact CIP at (800) 207-2138 or (613) 562-4646
or contact Stan Clinton by fax at (709) 729-2609 or by e-mail at sclinton@mapa.gov.nf.ca

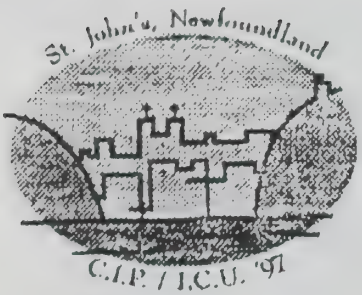
---

Contact CIP at 1-800-207-2138 in Canada or write us at: 541 Sussex Drive, 2nd Floor, Ottawa ON K1N 6Z6, Phone: (613)562-4646, Fax: (613)562-4648 or e-mail general@cip-icu.ca

---







THE QUEST FOR A BETTER WORLD

Plan to attend the 1997 CIP National Conference in St. John's Newfoundland July 20-23, 1997.

For more information call the CIP office at 1-800-207-2138 or contact Stan Clinton by fax at (709) 729-2609 or by e-mail at sclinton@mapa.gov.nf.ca
Visit our Web site at http://www.cip-icu.ca

Come Join The Cabot 500 Celebrations!

THEME:
Quest for a Better World: Exploring New Directions in Planning

SUB-THEMES:
- Society in Transition
- The Challenges of Uncertainty
- Social and Economic Equity
- Opportunities for Professional Practice

CIP, the *Canadian Institute of Planners*, is the national organization of professional planners in Canada. CIP provides its members with a bi-monthly planning magazine, an awards program, an annual national conference and continuing professional development.

L'ICU, l'*Institut canadien des urbanistes*, est l'association nationale des urbanistes au Canada. L'ICU fournit à ses membres une revue bimestrielle sur l'urbanisme, un programme de distinction honorifique, un congrès national annuel et un programme de formation professionnelle continue.

PRE-CONFERENCE WORKSHOPS
July 18th to the 20th
ALTERNATIVE DISPUTE RESOLUTION FOR PLANNERS
July 18th
RISK MANAGEMENT FOR LAND USE PLANNERS
(CO-SPONSORED BY MIACC)



THÈME :
En quête d'un monde meilleur : À la recherche de nouvelles orientations en urbanisme

SOUS-THÈMES :
- La société au carrefour
- Le défi de l'incertitude
- L'équité économique et sociale
- Les occasions de cabinet professionnels

Don't forget to join us at future CIP Conferences.
N'oubliez pas de vous joindre à nous aux prochains congrès de l'ICU.
- 1998 Winnipeg MB
- 1999 Montreal QC
- 2000 Charlottetown PE

ATELIERS PRÉ-CONGRÈS
(offerts en anglais seulement)
Le 18 au 20 juillet
RÈGLEMENT EXTRAJUDICIAIRE DE DIFFÉRENDS POUR LES URBANISTES
Le 18 juillet
ÉVALUATION DU RISQUE POUR AMÉNAGISTES DES TERRES

EN QUÊTE D'UN MONDE MEILLEUR

Soyez des nôtres au Congrès ICU 1997 du 20 au 23 juillet 1997 à St-Jean Terre-Neuve.

Pour plus de précisions, veuillez communiquer avec le bureau de l'ICU au 1-800-207-2138 ou communiquer avec Stan Clinton par télécopieur au (709) 729-2609 ou par courrier électronique au sclinton@mapa.gov.nf.ca
Visiter notre site Web au http://www.cip-icu.ca

Soyez des nôtres aux Fêtes de Cabot 500!

Innovative Building Solutions for Today.

The Azar Group is proud of the innovative products it has designed, patented and manufactured, to provide strong foundations today in order to build better homes for tomorrow.

Adjusta-FORM
The adjustable, re-usable Concrete Form System.

Water Chute
The ultimate Splash Pad that prevents foundation leakage.

The Block®
An innovative concrete block that cuts time laying foundations in half.

Glo in the Dark™
Our newest consumer product that always keeps your home number illuminated.

The Azar Group of Companies believes that to build a better tomorrow, we must start with a good foundation today.

Azar Group

Ontario Professional Planners Institute

Annual
mposium

Windsor,
Ontario

August
20 - 23
1997

High Stakes Planning

Community • Transportation • Environment • Tourism

Azar Group

Ontario Professional Planners Institute

Annual Symposium

August 20 - 23, 1997

On behalf of the City of Windsor, it is my pleasure to invite you to the 1997 Annual Symposium of the Ontario Professional Planners Institute. We are extremely pleased that the executive has chosen the City of Windsor as the host city this year. The local organizing committee under the leadership of Doug Caruso has been working feverishly to put together an exciting programme. The topics to be addressed have an appeal, not only to professional planners, but to elected officials, educators and any person with an interest in the future development of our cities and rural areas.

The theme of "High Stakes Planning" conveys the seriousness and long term consequences of many of the decisions we make. We elected officials are acutely aware that we usually only get one chance when we decide how to establish a new community, set up a new transportation route, protect a natural area or develop a tourist attraction. Here on the border with the United States we have a special advantage; we are also able to learn from and observe our American colleagues as they tackle similar planning issues.

I invite you to experience all this for yourself - to venture on escorted mobile workshops into the Detroit metro area, tour our award winning bikeway, see a "new urbanism" community that is actually being built, listen to some of the world's foremost authorities on metropolitan affairs or educate yourself at some of the twenty general sessions. I also invite you to enjoy the riverboat cruise, the street buskers, and try your luck at Canada's biggest tourist attraction - the Windsor casinos.

Mayor Michael Hurst, City of Windsor

Now it is your turn. What can we say to get you here? Our organizing committee is awash in correspondence, our ears have been flattened by telephone receivers, most of us have developed an unhealthy appetite for doughnuts and we've reviewed more music groups than we care to think about. Nevertheless, an excellent symposium is now set up and we await your response.

Planning decisions have long term and sometimes irreversible consequences, whether in the design of urban areas, transportation systems, park systems or community facilities. In this era of government retrenchment and accountability in all public and private agencies, we studiously put together a programme which meets the test of value for money. Our general sessions rely heavily on case studies, mobile workshops, "hands on" learning and demonstrations. Our plenary speakers are international experts in their fields. Topics to be covered will include urban and rural issues, community development, project planning, environmental and economic concerns and heritage conservation. We have scheduled many sessions in order to keep them relatively small and informal. The objective of the symposium is to provide all registrants with information of use and value.

We have one note of caution. Some of our mobile workshop sessions have seating limitations because of bus capacity. They are included in your registration fee, so don't be disappointed. Register early! And bring your family. We've provided a range of extra activities for all ages - riverboat dinner cruise, Detroit tours, winery visits, nature sites, street buskers and a distillery tour.
Remember, this is Motown.
Practice your dance steps!

Doug Caruso, 1997 Symposium Chair
Valerie Cranmer, OPPI President

"HIGH STAKES PLANNING" at a glance

CONCURRENT SESSIONS

Many of the symposium sessions are organized in 180 minute modules, each of which includes a presentation and accompanying case study field trip. All of the sessions relate to the themes of the symposium and can be quickly identified by the icon (see below). The mobile sessions are included in your registration fee; however, participation is limited to 35 people. Please sign up on Part B of the Registration Form. Mobile sessions will start in the noted room at the Cleary International Centre. Panelists will acquaint the audience with the topic and provide orientation, then the entire group will travel to a case study site (either by bus or on foot). Concurrent with the mobile sessions we have many other 90 minute presentations that do not require registration.



Tourism:
New convention centres are often marketed as the focus of many downtown revitalizations. Are they really a panacea? Is eco-tourism the wave of the future or what farmers have known all along? Is tourism compatible with community goals or is it just a disguise for economic development? Sessions will focus on comparisons of U.S. and Canadian experiences.



Community:
A fresh look at downtowns and how to keep them alive. Are neo-traditonal neighbourhoods what people really want or just another slick marketing technique for home builders? Notable planners will be available to discuss recent developments that have sparked political debate and promoted an interest in planning as a vehicle of community development.



Environment:
Conservation, conversion of "brownfields", and landfills. The ultimate question is who should pay. Molding and implementation of policies is more than a Secondary Plan. To attain sustainable development, what are the issues that you will have to negotiate? Recent case studies will provide insights into where planners can initiate change.



Transportation:
Mega-planning to Megapolis. The effects of the automobile are evident. Come to the site of the first auto workers' strike and see the effects of edge city development in nearby Detroit. Join a field trip to sections of a Canadian Institute of Planners award winning bicycle masterplan. Speakers will explore the role of the auto and other forms of transportation on community in the next century.



Wildcard:
Under the "joker" are our skill building sessions. We do not think education is something to joke about but we do think it should be fun. Sessions include speakers from areas of expertise other than planning. Want to find out more about alternative dispute resolution (ADR), the affect of computers on our profession or how to handle the media? How can universities train students for 2001 and beyond?

Please note that mobile sessions and social programmes which require bus transportation are not wheelchair accessible. The boat cruise is accessible.

CHILDREN'S ACTIVITIES

Children are welcome on all social programme tours. Day activities for children - ages 3 to 14 are provided by the YMCA Daycamp (8:30 a.m. - 4:30 p.m.). The YMCA is within walking distance of all hotels and the Cleary International Centre. Children can be registered in gymnastics camp (ages 6-12 yrs), sports camp (ages 7-14 yrs), or scampers camp (ages 3-6 yrs). Day campers will require their own lunch and drink each day. Please indicate on Part D of the Registration Form how many children, number of days and ages. The Young Planners Party provides supervision for children ages 3 and up on the Gala Banquet & Motown Night. Please register on Part D of the Registration Form.

BORDER CROSSING

Mobile sessions and social programme tours which cross into the United States require that

CONFERENCE LOCATION

Cleary International Centre, 201 Riverside Drive West
All sessions, tours and events start or occur at the Cleary International Centre, the City of Windsor's premier conference location. The Cleary rooms look out over the river to Detroit's skyline. The Cleary is fully accessible and provides excellent services to anyone with special needs.

DRESS CODE

This is southwestern Ontario. Windsor is at the same latitude as Barcelona, Rome, and ChangChun. It will be hot! In order to protect the health of our registrants, dress for all events is casual. We suggest light clothing for the mobile sessions and tours. Expressly prohibited are tuxedos, blue pin stripe suits, ties (no matter how aesthetic) and other business type attire. Bring your patent leather shoes for Motown night!

Registration Form - Mail or Fax to OPPI

Feel Lucky? Be a "High Stakes" Winner: Register before Friday, June 13. One name will be drawn for $100.00.

Last Name: _____ First Name: _____

Organization: _____ _____

Address: _____ City: _____ Prov: _____ P/C:_____

Phone: (B) _____ (H) _____ FAX _____

A. Registration Fees (includes all sessions, Buskers Bash, Gala Banquet & Motown Night, lunches and breakfasts)

	OPPI Member	Non-Member	Student OPPI	Student Non-OPPI	
Before July 11/97	$375	$425	$125	$200	_____
After July 11/97	$425	$475	$125	$200	_____

One Day Registration (includes lunch, keynote speakers & concurrent sessions) $175 _____

Choose One ❒ Thursday ❒ Friday Plus GST (7%) _____

Total A $_____

B. Mobile Sessions (Included in registration. Ticket required. Please sign up only for those sessions you plan to attend. Participation limited to 35 per session. Sessions assigned on a first come, first served basis. Second choice is optional.)

Thursday August 21, pm	1st Choice	2nd Choice
Casino Mega Planning (Physical Planning Issues): *Roll the Dice? Infrastructure or Bust*	_____	_____
Edge vs Inner Cities: *Edged Out Cities Fight Back*	_____	_____
Heritage Planning: *Preserving the Past Profitably*	_____	_____
Friday, August 22, am		
Landfill Reuse: *Dollars from the Dump*	_____	_____
Downtown Revitalization: *Corpse or Vital City Core*	_____	_____
Community Planning for Greenfield Areas: *Bout of the Century - Curves vs Squares*	_____	_____
Friday, August 22, pm		
Bikeway Planning: *Recycle the Bicycle*	_____	_____
Public Housing Redesign: *Beauty and the Blight - Subsidized Housing*	_____	_____
Rejuvenating the Industrial City: *Diamonds in the Rough*	_____	_____

C. Symposium Tours/Events (Not included in registration fee. Children and companions are also invited to attend.)

➤ Discover Windsor Tour (Wednesday)	___ x $10	_____
➤ Sunset Dinner and Moonlight Cruise (Thursday)	___ x $20	_____
➤ Tour of Downtown Detroit (Saturday)	___ x $12	_____

Total C $_____

All symposium tours include applicable taxes.

---

continued, please turn over...

E6)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 18

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner re: Demolition of 116 Sanford Avenue North, dated 1997 April 17

(b) City Solicitor re: Mobile Signs, Ad-Vantage Signs (Private And Confidential), dated 1997 April 17

T Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N\A

BACKGROUND: N\A




ACCO USA
WHEELING, ILLINOIS 60090
25971
0 50505 25971 7
BLACK/NOIR/NEGRO
MADE IN USA

HAMILTON PUBLIC LIBRARY
3 2022 21334451 4